

DRAFT AGENDA

REGULAR COUNCIL MEETING
TUESDAY
SEPTEMBER 17, 2013

COUNCIL CHAMBERS
211 WEST ASPEN AVENUE
4:00 P.M. AND 6:00 P.M.

4:00 P.M. MEETING

Individual Items on the 4:00 p.m. meeting agenda may be postponed to the 6:00 p.m. meeting.

1. CALL TO ORDER

NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the City Council and to the general public that, at this regular meeting, the City Council may vote to go into executive session, which will not be open to the public, for legal advice and discussion with the City's attorneys for legal advice on any item listed on the following agenda, pursuant to A.R.S. §38-431.03(A)(3).

2. ROLL CALL

NOTE: One or more Councilmembers may be in attendance telephonically or by other technological means .

MAYOR NABOURS
VICE MAYOR EVANS
COUNCILMEMBER BAROTZ
COUNCILMEMBER BREWSTER

COUNCILMEMBER ORAVITS
COUNCILMEMBER OVERTON
COUNCILMEMBER WOODSON

3. PLEDGE OF ALLEGIANCE AND MISSION STATEMENT

MISSION STATEMENT

The mission of the City of Flagstaff is to protect and enhance the quality of life of its citizens.

4. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

None

5. PUBLIC PARTICIPATION

Public Participation enables the public to address the Council about an item that is not on the agenda (or is listed under Possible Future Agenda Items). Comments relating to items that are on the agenda will be taken at the time that the item is discussed. If you wish to address the Council at tonight's meeting, please complete a comment card and submit it to the recording clerk as soon as possible. Your name will be called when it is your turn to speak. You may address the Council up to three times throughout the meeting, including comments made during Public Participation. Please limit your remarks to three minutes per item to

allow everyone an opportunity to speak. At the discretion of the Chair, ten or more persons present at the meeting and wishing to speak may appoint a representative who may have no more than fifteen minutes to speak.

6. PROCLAMATIONS AND RECOGNITIONS

None

7. APPOINTMENTS

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the City Council and to the general public that the City Council may vote to go into executive session, which will not be open to the public, for the purpose of discussing or considering employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee, or employee of any public body...., pursuant to A.R.S. §38-431.03(A)(1).

None

8. LIQUOR LICENSE PUBLIC HEARINGS

None

9. CONSENT ITEMS

All matters under Consent Agenda are considered by the City Council to be routine and will be enacted by one motion approving the recommendations listed on the agenda. Unless otherwise indicated, expenditures approved by Council are budgeted items.

A. Emergency Purchase of a 700 HP Variable Frequency Drive(VFD) Motor Control for the Shop Well

RECOMMENDED ACTION:

Approve the purchase from Applied Ingenuity, LLC in the amount of \$ 94,797.00.

10. ROUTINE ITEMS

A. Consideration of Amendment No. Two regarding the Intergovernmental Agreement (IGA)/Joint Project Agreement (JPA): #11-096I between the City of Flagstaff (City) and the Arizona Department of Transportation (ADOT) for the FY 2012 Highway Safety Improvement Program (HSIP), Transverse Pavement Marking Improvement Program.

RECOMMENDED ACTION:

Approve Amendment No. Two regarding the IGA/JPA between the City of Flagstaff and Arizona Department of Transportation

B. Consideration and Adoption of Ordinance No. 2013-06: An Ordinance amending Flagstaff City Code Title 2, Boards and Commissions, Chapter 2-12, Transportation Commission, for the purpose of changing the membership of the Transportation Commission, and removing the Commission's appellate authority.

RECOMMENDED ACTION:

- 1) Read Ordinance No. 2013-06 by title only for the final time
- 2) City Clerk reads Ordinance No. 2013-06 by title only (if approved above)
- 3) Adopt Ordinance No. 2013-06 on September 17, 2013.

C. Consideration and Approval of Miscellaneous Receivable Account Writeoffs:

Delinquent and uncollectable accounts for Fiscal Year 2013.

RECOMMENDED ACTION:

Approve the write-off of delinquent and uncollectable miscellaneous receivable accounts in the amount of \$3,831.73.

D. Consideration and Approval of Transaction Privilege (Sales) Tax Account Write-offs:

Delinquent and uncollectable accounts for Fiscal Year 2013.

RECOMMENDED ACTION:

Approve the write-off of delinquent and uncollectable transaction privilege (sales) tax accounts in the amount of \$100,866.05.

E. Consideration and Approval of Utility Account Write-offs: Delinquent and uncollectable accounts for Fiscal Year 2013.**RECOMMENDED ACTION:**

Approve the write-off of delinquent and uncollectable utility accounts in the amount of \$121,300.64.

F. Consideration and Approval of an Intergovernmental Agreement with Northern Arizona Council of Governments (NACOG) to continue operation of their Head Start programs at five city-owned facilities.**RECOMMENDED ACTION:**

Approve the intergovernmental agreement to allow NACOG to continue operating Head Start programs at the five locations where they currently are operating.

G. Consideration of Ordinance No. 2013-20: An Ordinance adopting the prohibition of intentionally, knowingly or recklessly feeding wildlife.**RECOMMENDED ACTION:**

- 1) Move to read Ordinance 2013-20 for the final time by title only
- 2) City Clerk reads Ordinance No. 2013-20 by title only (if approved above)
- 3) Adopt Ordinance No. 2013-20

H. City Manager Excellence Awards.**RECOMMENDED ACTION:**

Discussion only

RECESS

6:00 P.M. MEETING

RECONVENE**NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION**

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the City Council and to the general public that, at this regular meeting, the City Council may vote to go into executive session, which will not be open to the public, for legal advice and discussion with the City's attorneys for legal advice on any item listed on the following agenda, pursuant to A.R.S. §38-431.03(A)(3).

11. ROLL CALL

NOTE: One or more Councilmembers may be in attendance telephonically or by other technological means.

MAYOR NABOURS

VICE MAYOR EVANS

COUNCILMEMBER BAROTZ

COUNCILMEMBER BREWSTER

COUNCILMEMBER ORAVITS

COUNCILMEMBER OVERTON

COUNCILMEMBER WOODSON

12. CARRY OVER ITEMS FROM THE 4:00 P.M. AGENDA**13. PUBLIC HEARING ITEMS**

None

14. REGULAR AGENDA

- A. Consideration and Approval of Preliminary Plat:** True Life Communities PS AZ for The Estates at Pine Canyon, Unit 5 subdivision, a forty-seven lot, single-family, detached residential subdivision. The site is 29.946 acres in size and is located at 3851 South Clubhouse Circle in the Pine Canyon Development. The site is zoned R1, Single-Family Residential Zone.

RECOMMENDED ACTION:

The Planning and Zoning Commission recommends approving the Preliminary Plat.

- B. Consideration and Approval of a Preliminary Plat:** for Miramonte Homes, Tract B of Presidio in the Pines, a subdivision of 14 single-family, residential townhomes on approximately 1.65 acres located at 2700 S Presidio Drive South, within the Highway Commercial (HC) Zone.

RECOMMENDED ACTION:

The Planning and Zoning Commission recommends the City Council approve the Preliminary Plat subject to the conditions listed in the attached Conditional Use Permit (PCUP13-0004).

- C. Consideration and Possible Adoption of Resolution No. 2013-23:** A resolution of the City Council of the City of Flagstaff, Arizona, ordering and calling the 2014 Primary/General Elections; and providing for and giving notice of said election(s).

RECOMMENDED ACTION:

Should the City Council wish to move forward with calling the 2014 Spring Elections:

- 1) Read Resolution No. 2013-23 by title only
- 2) City Clerk reads Resolution No. 2013-23 (if approved above)
- 3) Adopt Resolution No. 2013-23

15. DISCUSSION ITEMS

- A. Discussion of the City's Materials Testing Program.**

RECOMMENDED ACTION:

Consider information received from private sector service providers and provide direction to staff regarding the Materials Testing Program.

B. Regional Plan Discussion #3 – Ch. VII. Energy**RECOMMENDED ACTION:**

Staff will present a brief background of data, public comment input, and policies for Chapter VII. Energy of the Flagstaff Regional Plan. Council may wish to open the discussion for public comment at this time, followed by discussion on any concerns regarding this chapter or policies to put on the 'Policy Parking Lot' list for further Council discussion, debate and decision in November and December.

16. POSSIBLE FUTURE AGENDA ITEMS

Verbal comments from the public on any item under this section must be given during Public Participation (#5) near the beginning of the meeting. Written comments may be submitted to the City Clerk. After discussion and upon agreement of three members of the Council, an item will be moved to a regularly-scheduled Council meeting.

- A.** Request by Councilmember Barotz and Vice Mayor Evans to discuss the issue of hunting within the City limits of Flagstaff and around the urban trails.

17. PUBLIC PARTICIPATION**18. INFORMATIONAL ITEMS AND REPORTS FROM COUNCIL AND STAFF, REQUESTS FOR FUTURE AGENDA ITEMS****19. ADJOURNMENT****CERTIFICATE OF POSTING OF NOTICE**

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at Flagstaff City Hall on _____, at _____ a.m./p.m. in accordance with the statement filed by the City Council with the City Clerk.

Dated this _____ day of _____, 2013.

Elizabeth A. Burke, MMC, City Clerk

CITY OF FLAGSTAFF
STAFF SUMMARY REPORT

To: The Honorable Mayor and Council
From: Mark Richardson, Operations Manager
Date: 08/26/2013
Meeting Date: 09/17/2013



TITLE:

Emergency Purchase of a 700 HP Variable Frequency Drive(VFD) Motor Control for the Shop Well

RECOMMENDED ACTION:

Approve the purchase from Applied Ingenuity, LLC in the amount of \$ 94,797.00.

Policy Decision or Reason for Action:

On June 28th, the Shop Well Variable Frequency Drive unit for the main well failed. On July 3rd, it was determined that the 700 HP unit could not be repaired and our well pump vendor was contacted to inquire on the cost and availability of a replacement. The Shop Well is the second largest producing water well with a daily capacity of 1.44 million gallons. Repair of this well was crucial to providing water to our customers during the summer peak season. Under the guidance of Purchasing, the purchase order was created July 9, 2013 in the amount of \$114,397.00.

Subsidiary Decisions Points: Manufacturer of the original unit had all internal parts for the 700 HP Variable Frequency Drive (VFD) available for immediate shipment. This allowed us to utilize the existing cabinet. Replacement of the entire VFD would have taken 16 to 18 weeks. Instead the components were installed and the well back in operation within 30 days.

Financial Impact:

The purchase was made on July 9, 2013 using Utilities Local Well Maintenance Account 201-4716-720-2205 and supplemented by 201-4724-720-2205. These accounts are for the maintenance and repair of wells. Instead the variable frequency drive motor control was purchased as an emergency purchase.

Connection to Council Goal:

1. Repair Replace maintain infrastructure (streets & utilities)

Has There Been Previous Council Decision on This:

No prior decision

Options and Alternatives:

1.) Prepare a complete bid specification and advertise for a complete 700 HP Variable Frequency Drive. The expected delivery would have been 16 to 18 weeks after award and acceptance by Council. The potential down time for this critical water production well would have been 6 to 7 months.

Background/History:

The Shop Well is the second largest well at 1.44 Million Gallons per Day (MGD) and is a critical piece of the City's water production infrastructure.

Key Considerations:

All parts necessary to replace the Variable Frequency drive were available for immediate shipment. Allowing for transportation, stripping the existing cabinets and install of the new VFD, emergency replacement was completed within four weeks. Staff procured these parts in advance of City Council's authorization following Management Services procurement procedures due to the emergency requirement of having this critical water supply back operational as soon as possible.

Community Benefits and Considerations:

Shop Well is a crucial piece of water supply infrastructure. Minimizing the down time of any water supply well is important especially during peak demand periods.

Community Involvement:

Inform

Attachments: [Shop Well VFD Replacement](#)

Form Review

Inbox	Reviewed By	Date
Senior Procurement Specialist -CS	Candace Schroeder	08/30/2013 09:50 AM
Utilities Engineering Manager	Mark Richardson	09/04/2013 02:04 PM
Operations Manager (Originator)	Mark Richardson	09/05/2013 12:36 PM
Senior Procurement Specialist -CS	Mark Richardson	09/05/2013 12:40 PM
Operations Manager (Originator)	Mark Richardson	09/05/2013 12:44 PM
Senior Procurement Specialist -CS	Candace Schroeder	09/05/2013 12:45 PM
Utilities Engineering Manager	Elizabeth A. Burke	09/05/2013 02:17 PM
Purchasing Director	Rick Compau	09/05/2013 02:29 PM
Finance Director	Rick Tadder	09/05/2013 03:59 PM
Legal Assistant	Vicki Baker	09/05/2013 04:01 PM
Senior Assistant City Attorney DW	David Womochil	09/05/2013 04:17 PM
Utilites Director	Elizabeth A. Burke	09/06/2013 08:41 AM
DCM - Jerene Watson	Jerene Watson	09/06/2013 11:13 AM
Form Started By: Mark Richardson		Started On: 08/26/2013 09:37 AM
Final Approval Date: 09/06/2013		

John Hickey

From: SCOTT MARTIN [h2o2liv@msn.com]
Sent: Friday, July 05, 2013 3:52 PM
To: John Hickey
Subject: CH Replacement VFD

Danny,

There is currently (1) replacement **SPX700A0-4A2N1** drive currently in stock that could ship immediately. We need to verify on Monday that no additional parts are needed to retrofit the VFD into your current enclosure. The cost is \$114,397. I will try to put it on hold till Monday morning.

Scott

Applied Ingenuity, LLC.
Pumping System Experts

Scott Martin
Phone: (602) 885-9447
Fax: (303) 953-0852
email: h2o2liv@msn.com

Applied Ingenuity, LLC

2430 Links Place

Erie, Colorado 80516

303 665-9695 FAX 303 953-0852

Att: Mr. Danny Hickey

City of Flagstaff

211 W. Aspen Ave.

Flagstaff AZ 86001

Invoice No 867**Invoice Date** July 25, 2013**Terms** Net 30 Day**P. O. Number** 147372**Location** Shop well**Requested By** Danny Hickey**Job No.** 1588**A/R No.****Tax ID****Invoiced By** FSM**Completion:** 100% Complete**Summary of Work**

7/22/13 Travel to Flagstaff for VFD install. PU VFD at Roadway and start install. 7/23/13 Continue installation.
7/24/13 Complete installation and start-up VFD to system.

Thank You for Selecting Applied Ingenuity Your Business is Appreciated!!

Labor Description	Units	Rate	Total	Materials Description	Qty	Unit	Total
				CH SPX700AO-4A2N1	1	\$94,797.00	\$94,797.00

Tax Authority Rate Total Tax

0.00%

\$0.00

\$0.00

\$0.00

\$0.00

Labor**Materials****All Taxes****Invoice Total**

\$94,797.00

\$0.00

\$94,797.00

John Hickey

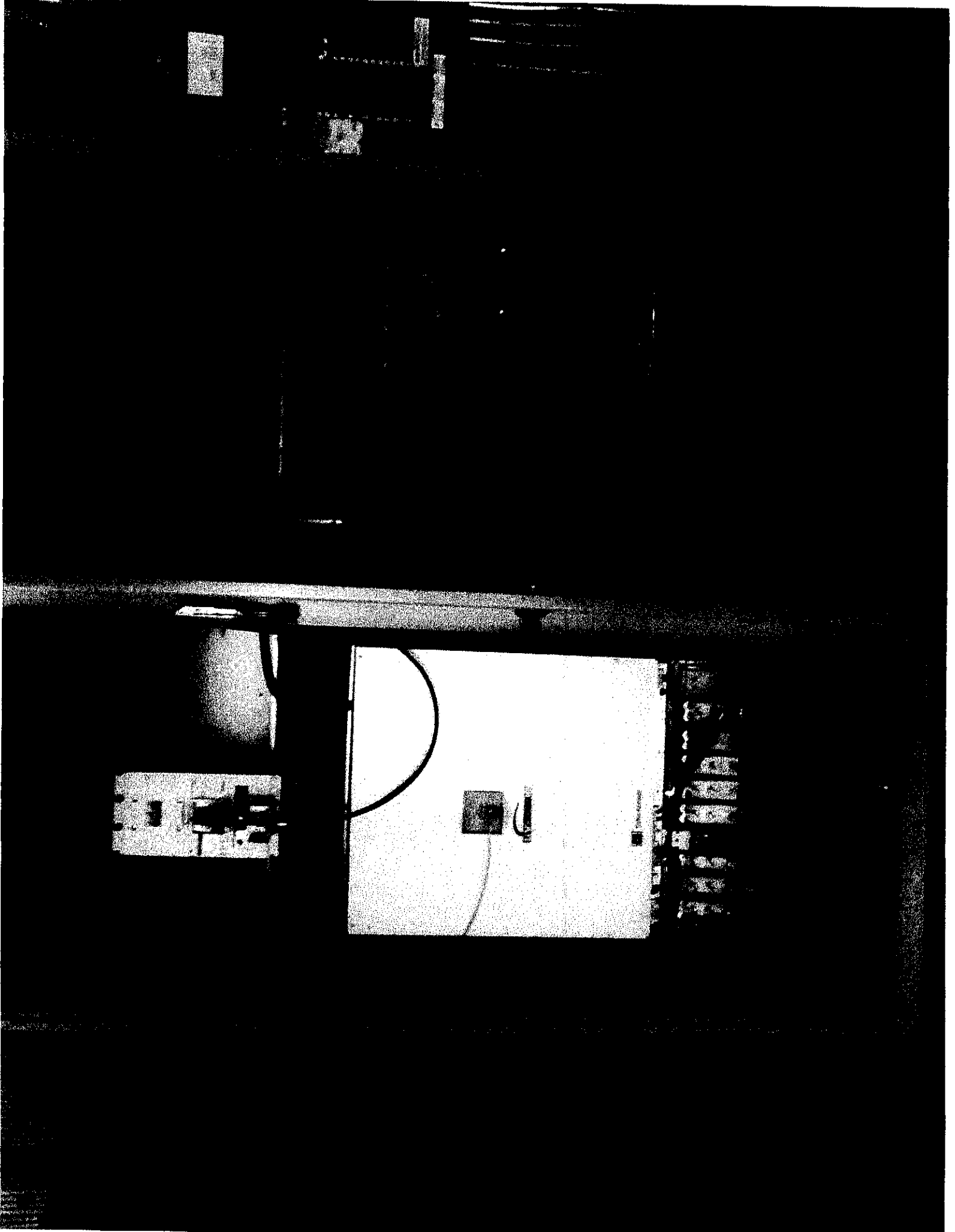
From: SCOTT MARTIN [h2o2liv@msn.com]
Sent: Friday, July 26, 2013 2:39 PM
To: John Hickey
Subject: Shop Well
Attachments: 1588 pump install.pdf; Flagstaff inv 867.pdf; KMG-IOM Same as installed.pdf

Danny,

Attached is the Pump install data sheet with the filter numbers on it. I have pulled current information for the same filter installed in the shop well, and attached that document. TCI says the higher the carrier frequency the better for the filter. I would suggest not going over 5.5 kHz on the carrier frequency. We left the carrier frequency at 3.6 kHz. Also attached is the invoice for the vfd replacement. Thank you very much for the business. I was able to save the district substantial \$ over the first estimate.
Scott

Applied Ingenuity, LLC.
Pumping System Experts

Scott Martin
Phone: (602) 885-9447
Fax: (303) 953-0852
email: h2o2liv@msn.com



CITY OF FLAGSTAFF
STAFF SUMMARY REPORT

To: The Honorable Mayor and Council
From: Randy Whitaker, Project Manager
Co-Submitter: Stacey Brechler-Knaggs, Grants Manager
Date: 08/22/2013
Meeting Date: 09/17/2013



TITLE:

Consideration of Amendment No. Two regarding the Intergovernmental Agreement (IGA)/Joint Project Agreement (JPA): #11-0961 between the City of Flagstaff (City) and the Arizona Department of Transportation (ADOT) for the FY 2012 Highway Safety Improvement Program (HSIP), Transverse Pavement Marking Improvement Program.

RECOMMENDED ACTION:

Approve Amendment No. Two regarding the IGA/JPA between the City of Flagstaff and Arizona Department of Transportation

Policy Decision or Reason for Action:

Approving the IGA/JPA Amendment No. Two, will obligate Federal HSIP funding for the Transverse Pavement Marking Improvement Program for an additional \$90,000 to the existing IGA/JPA of \$302,000 for a total project of \$392,000. Transverse pavement markings are perpendicular, short line markings such as those found in crosswalks and stop bars.

Subsidiary Decision Points: This project is for construction of the Transverse Pavement Marking Improvement Program and will be administered by ADOT. The project has been bid and is estimated to start in late September 2013.

Financial Impact:

This IGA/JPA Amendment No. Two, will fund the Transverse Pavement Marking Improvement Program in the amount of \$90,000. The Total Cost of the Transverse Pavement Marking Improvement Program is estimated to be \$392,000 and will be paid for from HSIP funds. The Federal Share is funded at \$392,000 (100%).

Connection to Council Goal:

Repair, replace, maintain infrastructure (streets & utilities)

Has There Been Previous Council Decision on This:

Yes - Original IGA/JPA for FY 2011 HSIP funds awarded on May 17, 2011 in the amount of \$150,000. Amendment No. One was approved on May 15, 2012 for an additional \$152,000.

Options and Alternatives:

- 1) Approve the IGA/JPA
- 2) Reject the IGA/JPA which removes the obligation of the funds for this purpose.

Background/History:

The purpose of the Highway Safety Improvement Program (HSIP) is to achieve a significant reduction in traffic fatalities and serious injuries on public roads. This is to be accomplished through the development and implementation of the Strategic Highway Safety Plan (SHSP) which is a statewide-coordinated safety plan that provides a comprehensive framework for reducing highway fatalities and serious injuries on all public roads. SHSP is intended to identify the state's key safety needs and guide HSIP investment decisions. Funding is from the U.S. Department of Transportation, Federal Highway Administration through the Arizona Department of Transportation which is responsible for administering the HSIP in Arizona.

Key Considerations:

This project will replace all the stop bars and crosswalks at 310 intersections on Flagstaff's streets with a more durable epoxy/thermo product.

The HSIP funds must have an approved IGA/JPA to be obligated by ADOT. Any funding not obligated by the City or County in the FMPO Region within this fiscal year is returned to ADOT.

Expanded Financial Considerations:

The funding per FY year is:

FY 2011 - \$150,000

FY 2012 - \$152,000

FY 2013 - \$90,000

The Total Cost of the Transverse Pavement Marking Improvement Program is estimated to be \$392,000 and will be paid for from HSIP funds. The Federal Share is funded at \$392,000 (100%).

Community Benefits and Considerations:

Provide additional safety and reduced maintenance cost.

Community Involvement:

Inform: Although there has been no formal public involvement process, this project has been approved by the Flagstaff Metropolitan Planning Organization for inclusion in the Transportation Improvement Program.

Expanded Options and Alternatives:

Approving the IGA/JPA, will authorize the funds for the project up to the maximum available.

Pro: All intersections currently planned can be striped with stop bars and crosswalks

Rejecting the IGA/JPA, will not obligate the additional funding.

Con: Scope of work will be reduced

Attachments: Amd. 2

Form Review

Inbox
Purchasing Director
Finance Director

Reviewed By
Rick Compau
Rick Tadder

Date
08/29/2013 02:17 PM
08/29/2013 02:53 PM

Legal Assistant
Senior Assistant City Attorney JS
Community Development Director
DCM - Jerene Watson

Vicki Baker
James Speed
Mark Landsiedel
Jerene Watson

08/30/2013 11:49 AM
09/03/2013 06:40 AM
09/04/2013 03:14 PM
09/05/2013 09:44 AM
Started On: 08/22/2013 04:08 PM

Form Started By: Randy Whitaker

Final Approval Date: 09/05/2013

ADOT File No.: IGA/ JPA 11-096I
ADOT CAR No.: 13-0002598
Amendment No. Two
AG Contract No.: P0012011001909
Project: Systematic Improvements
Section: Various Locations
Federal-aid No.: FLA-0(204)A
ADOT Project No.: SH503 01C
TIP/STIP No.: F61103
Budget Source Item No.: HSIP

**AMENDMENT NO. TWO
TO
INTERGOVERNMENTAL AGREEMENT**

BETWEEN
THE STATE OF ARIZONA
AND
CITY OF FLAGSTAFF

THIS AGREEMENT, entered into this date _____, 2013, pursuant to Arizona Revised Statutes §§ 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the CITY OF FLAGSTAFF, acting by and through its MAYOR and CITY COUNCIL (the "City"). The City and State are collectively referred to as the "Parties."

WHEREAS, the INTERGOVERNMENTAL AGREEMENT, JPA/IGA 11-096I, A.G. Contract No. P0012011001909, was executed on June 17, 2013; and

NOW THEREFORE, in consideration of the mutual agreements expressed herein, the purpose of this Agreement is to amend the original agreement in its entirety and increase the federal funds, and the Parties agree to amend the original Agreement, as follows:

I. RECITALS

1. The State is empowered by Arizona Revised Statutes § 28-401 to enter into this Agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes § 48-572 to enter into this Agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the City.

3. Congress has established the Highway Safety Improvement Program (HSIP) as a core Federal-aid for the specific purpose of achieving a significant reduction in traffic fatalities and serious injuries on public roads. The State, the Federal Highway Administration (FHWA) and the City have identified systematic improvements within the City as eligible for this funding.

4. The purpose of this joint exercise of powers and cooperative action (which constitutes the Agreement) between the State and the City is to allow the State to acquire federal funds for the purchase of the pavement marking installation services necessary for systematic improvements which include upgrading all stop bar and crosswalk at approximately one hundred twenty (120) intersections, including forty-five (45) signalized intersections, hereinafter referred to as the "Project". The City has coordinate with the State during the procurement process as Arizona Department of Transportation (ADOT) Procurement contract(s) have been utilized and an authorized contractor will provide and install the

pavement markings as outlined in the contract and approved plans to complete this project with the aid and consent of the State and the FHWA.

5. The interest of the State in this Project is the acquisition of federal funds for the use and benefit of the City and to authorize such federal funds for the Project pursuant to federal law and regulations. The State shall be the designated agent for the City.

6. The Parties shall perform their responsibilities consistent with this Agreement and any change or modification to the Project will only occur with the mutual written consent of both Parties.

7. The federal funds will be used for the Project, including the construction engineering and administration cost (CE). The estimated Project costs are as follows:

SH503 01C (construction):

Federal-aid funds @ 100%	\$ 392,000.00
TOTAL Project Cost	\$ 392,000.000

The Parties acknowledge that the final Project costs may exceed the initial estimate(s) shown above, and in such case, the City is responsible for, and agrees to pay, any and all eventual, actual costs exceeding the initial estimate. If the final bid amount is less than the initial estimate, the difference between the final bid amount and the initial estimate will be de-obligated or otherwise released from the Project. The City acknowledges it remains responsible for, and agrees to pay according to the terms of this Agreement, any and all eventual, actual costs exceeding the final bid amount.

THEREFORE, in consideration of the mutual Agreements expressed herein, it is agreed as follows:

II. SCOPE OF WORK

1. The State will:

a. Upon execution of this Agreement, be the designated agent for the City for the purpose of this Project, if the Project is approved by FHWA and funds for the Project are available.

b. Submit all documentation required to the FHWA pertaining to the Project with the recommendation that funding be approved for procurement and installation of equipment and/or services. The Project will be performed, completed, accepted and paid for in accordance with the requirements of the Project specifications and terms and conditions.

c. Request the maximum federal funds programmed for this Project, including City contract administration costs. Should costs exceed the maximum federal funds available it is understood and agreed that the City will be responsible for any overage.

d. Upon execution of this Agreement and authorization by FHWA, coordinate with the City regarding the specifics of the pavement making installations by the State to best ensure the requirements of the Project are met. Enter into a contract(s) with a firm(s) to whom the award is made for the purpose of the Project.

e. Be granted, without cost requirements, the right to enter City right-of-way as required to conduct any and all construction and pre-construction related activities for said Project, including without limitation, temporary construction easements or temporary rights-of-entry on to and over said rights-of-way of the City.

f. Not be obligated to maintain said Project, should the City fail to budget or provide for proper and perpetual maintenance as set forth in this Agreement.

2. The City will:

a. Upon execution of the Agreement, designate the State as authorized agent for the City for the purpose of this Project.

b. Agree that the cost of the analysis and work covered by this Agreement is to be borne by FHWA and the City.

c. Coordinate with the State during the procurement process of the Project.

d. Be responsible for all costs incurred in performing and accomplishing the work as set forth under this Agreement, not covered by federal funding. Should costs be deemed ineligible or exceed the maximum federal funds available, it is understood and agreed that the City is responsible for these costs, payment for these costs shall be made within thirty (30) days of receipt of an invoice from the State.

e. Certify that all necessary rights-of-way have been or will be acquired prior to advertisement for bid and also certify that all obstructions or unauthorized encroachments of whatever nature, either above or below the surface of the Project area, shall be removed from the proposed right-of-way, or will be removed prior to the start of construction, in accordance with The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended; 49 CFR 24.102 Basic Acquisition Policies; 49 CFR 24.4 Assurances, Monitoring and Corrective Action, parts (a) & (b) and ADOT ROW Manual: 8.02 Responsibilities, 8.03 Prime Functions, 9.07 Monitoring Process and 9.08 Certification of Compliance. Coordinate with the appropriate State's Right-of-Way personnel during any right-of-way process performed by the City, if applicable.

f. Not permit or allow any encroachments upon or private use of the right-of-way, except those authorized by permit. In the event of any unauthorized encroachment or improper use, the City shall take all necessary steps to remove or prevent any such encroachment or use.

g. Grant the State, its agents and/or contractors, without cost, the right to enter City rights-of-way, as required, to conduct any and all construction and preconstruction related activities, including without limitation, temporary construction easements or temporary rights-of-entry to accomplish among other things, soil and foundation investigations.

h. Be obligated to incur any expenditure should unforeseen conditions or circumstances increase the cost of said work required by a change in the extent of scope of the work requested by the City. Such changes require the prior approval of the State and FHWA. Be responsible for any contractor claims for additional compensation caused by Project delays attributable to the City. Payment for these costs shall be made within thirty (30) days of receipt of an invoice from the State.

i. Maintain all Project improvements for the entire life of the equipment.

j. Pursuant to 23 USC 102(b), repay all federal funds reimbursements for preliminary engineering costs on the Project if it does not advance to right-of-way acquisition or construction within ten (10) years after federal funds were first made available.

III. MISCELLANEOUS PROVISIONS

1. The terms, conditions and provisions of this Agreement shall remain in full force and effect until completion of said Project and related deposits or reimbursement, except any provisions for maintenance shall be perpetual, unless assumed by another competent entity. Further, this Agreement may be cancelled at any time prior to the award of the Project construction contract, upon thirty (30) days written notice to the other party. It is understood and agreed that, in the event the City terminates this Agreement, the State shall in no way be obligated to maintain said Project. If the federal funding related to this Project is terminated or reduced by the federal government, or if Congress rescinds, fails to renew, or otherwise reduces apportionments or obligation authority, the State shall in no way be obligated for funding or liable for any past, current or future expenses under this Agreement.

2. The State assumes no financial obligation or liability under this Agreement, or for any resulting construction Project. The City, in regard to the City's relationship with the State only, assumes full responsibility for the design, plans, specifications, reports, the engineering in connection therewith and the construction of the improvements contemplated, cost over-runs and construction claims. It is understood and agreed that the State's participation is confined solely to securing federal aid on behalf of the City and the fulfillment of any other responsibilities of the State as specifically set forth herein; that any damages arising from carrying out, in any respect, the terms of this Agreement or any modification thereof shall be solely the liability of the City and that to the extent permitted by law, the City hereby agrees to save and hold harmless, defend and indemnify from loss the State, any of its departments, agencies, officers or employees from any and all costs and/or damage incurred by any of the above and from any other damage to any person or property whatsoever, which is caused by any activity, condition, misrepresentation, directives, instruction or event arising out of the performance or non performance of any provisions of this Agreement by the State, any of its departments, agencies, officers and employees, or its independent contractors, the City, any of its agents, officers and employees, or its independent contractors. Costs incurred by the State, any of its departments, agencies, officers or employees shall include in the event of any action, court costs, and expenses of litigation and attorneys' fees.

3. The cost of design, construction and construction engineering work under this Agreement is to be covered by the federal funds set aside for this Project, up to the maximum available. The City acknowledges that the eventual actual costs may exceed the maximum available amount of federal funds, or that certain costs may not be accepted by the federal government as eligible for federal funds. Therefore, the City agrees to furnish and provide the difference between actual costs and the federal funds received.

4. The cost of the project under this Agreement includes applicable indirect costs approved by the FHWA.

5. The Parties warrant compliance with the Federal Funding Accountability and Transparency Act of 2006 and associated 2008 Amendments (the "Act"). Additionally, in a timely manner, the City will provide information that is requested by the State to enable the State to comply with the requirements of the Act, as may be applicable.

6. This Agreement shall become effective upon signing and dating of the Determination Letter by the State's Attorney General.

7. This Agreement may be cancelled in accordance with Arizona Revised Statutes § 38-511.

8. To the extent applicable under law, the provisions set forth in Arizona Revised Statutes §§ 35-214 and 35-215 shall apply to this Agreement.

9. This Agreement is subject to all applicable provisions of the Americans with Disabilities Act (Public Law 101-336, 42 U.S.C. 12101-12213) and all applicable federal regulations under the Act, including 28 CFR Parts 35 and 36. The parties to this Agreement shall comply with Executive Order Number 2009-09 issued by the Governor of the State of Arizona and incorporated herein by reference regarding "Non-Discrimination".

10. Non-Availability of Funds: Every obligation of the State under this Agreement is conditioned upon the availability of funds appropriated or allocated for the fulfillment of such obligations. If funds are not allocated and available for the continuance of this Agreement, this Agreement may be terminated by the State at the end of the period for which the funds are available. No liability shall accrue to the State in the event this provision is exercised, and the State shall not be obligated or liable for any future payments as a result of termination under this paragraph.

11. In the event of any controversy, which may arise out of this Agreement, the Parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes § 12-1518.

12. All notices or demands upon any party to this Agreement shall be in writing and shall be delivered in person or sent by mail, addressed as follows:

Arizona Department of Transportation

Joint Project Administration
205 S. 17th Avenue, Mail Drop 637E
Phoenix, Arizona 85007
(602) 712-7124
(602) 712-3132 Fax

City of Flagstaff

Attn: Randy Whitaker
211 W Aspen Avenue
Flagstaff, Arizona 86001
(928) 607-9241

For Financial Matters:

Barbara Goodrich
211 W Aspen Avenue
Flagstaff, Arizona 86001
(928) 213-2215

13. The Parties shall comply with the applicable requirements of Arizona Revised Statutes § 41-4401.

14. The Parties hereto shall comply with all applicable laws, rules, regulations and ordinances, as may be amended.

15. In accordance with Arizona Revised Statutes § 11-952 (D) attached hereto and incorporated herein is the written determination of each party's legal counsel and that the Parties are authorized under the laws of this State to enter into this Agreement and that the Agreement is in proper form.

IN WITNESS WHEREOF, the Parties have executed this Agreement the day and year first above written.

CITY OF FLAGSTAFF

STATE OF ARIZONA

Department of Transportation

By _____
GERALD W. NABOURS
Mayor

By _____
DALLAS HAMMIT, P.E.
Senior Deputy State Engineer, Development

ATTEST:

By _____
ELIZABETH A. BURKE
City Clerk

DRAFT

**JPA 11-096I
AMENDMENT NO. 13-0002598**

ATTORNEY APPROVAL FORM FOR THE CITY OF FLAGSTAFF

I have reviewed the above referenced Intergovernmental Agreement between the State of Arizona, acting by and through its DEPARTMENT OF TRANSPORTATION, and the CITY OF FLAGSTAFF, an Agreement among public agencies which, has been reviewed pursuant to Arizona Revised Statutes §§ 11-951 through 11-954 and declare this Agreement to be in proper form and within the powers and authority granted to the CITY under the laws of the State of Arizona.

No opinion is expressed as to the authority of the State to enter into this Agreement.

DATED this _____ day of _____, 2013.

City Attorney

CITY OF FLAGSTAFF STAFF SUMMARY REPORT

To: The Honorable Mayor and Council
From: Jeff Bauman, Traffic Engineer
Date: 09/04/2013
Meeting Date: 09/17/2013



TITLE:

Consideration and Adoption of Ordinance No. 2013-06: An Ordinance amending Flagstaff City Code Title 2, Boards and Commissions, Chapter 2-12, Transportation Commission, for the purpose of changing the membership of the Transportation Commission, and removing the Commission's appellate authority.

RECOMMENDED ACTION:

- 1) Read Ordinance No. 2013-06 by title only for the final time
- 2) City Clerk reads Ordinance No. 2013-06 by title only (if approved above)
- 3) Adopt Ordinance No. 2013-06 on September 17, 2013.

Policy Decision or Reason for Action:

The City of Flagstaff established the Transportation Commission, as currently constituted and structured, in 2001 to serve as a citizen advisory group charged with taking a comprehensive, long-range and in-depth look at the broad range of transportation issues facing the City of Flagstaff (City). In 2006 the City became a member of the Northern Arizona Intergovernmental Transportation Authority (NAIPTA). The City values input and advice from NAIPTA, and establishing a permanent seat on the Transportation Commission for a NAIPTA representative will help increase transportation project coordination between the two agencies. This will result in seven voting members of the Transportation Commission, consisting of five at-large members from the general public, one member appointed to represent the Flagstaff Unified School District, and one member appointed to represent NAIPTA.

The Transportation Commission is currently vested with appellate authority, hearing appeals of "traffic regulation decisions" made by the City Traffic Engineer. The City Traffic Engineer is currently supervised by the City Engineer, who ensures that the City Traffic Engineer's decisions are not arbitrary, that all necessary criteria have been met, and that all positions have been adequately considered.

Subsidiary Decisions Points: The Transportation Commission voted to recommend approval of this Resolution to the City Council.

Financial Impact:

None

Connection to Council Goal:

Review all Commissions
Effective governance

Has There Been Previous Council Decision on This:

There has not been any previous decisions made on this issue other than when first reading of the Ordinance was held at the September 3, 2013, Council Meeting.

Options and Alternatives:

The City Council can choose to accept the Ordinance, direct staff to amend the Ordinance, or reject the Ordinance.

Community Involvement:

Involve - The Transportation Commission held a Public Meeting on October 3, 2012, their was no Public Comment. The Transportation Commission voted to recommend approval of this Ordinance to the City Council.

Attachments: Ord. 2013-06

Form Review

Inbox	Reviewed By	Date
Senior Assistant City Attorney JS	James Speed	08/20/2013 02:16 PM
City Engineer	Rick Barrett	08/20/2013 04:05 PM
Traffic Engineer (Originator)	Jeff Bauman	08/21/2013 04:15 PM
Legal Assistant	Vicki Baker	08/21/2013 04:18 PM
Senior Assistant City Attorney JS	James Speed	08/22/2013 06:36 AM
Community Development Director	Mark Landsiedel	08/22/2013 02:41 PM
DCM - Jerene Watson	Jerene Watson	08/22/2013 03:11 PM
Form Started By: Jeff Bauman		Started On: 06/26/2013 03:23 PM
	Final Approval Date: 09/04/2013	

ORDINANCE NO. 2013-06

AN ORDINANCE AMENDING FLAGSTAFF CITY CODE TITLE 2, BOARDS AND COMMISSIONS, CHAPTER 2-12, TRANSPORTATION COMMISSION, FOR THE PURPOSE OF CHANGING THE MEMBERSHIP OF THE FLAGSTAFF TRANSPORTATION COMMISSION, AND REMOVING THE COMMISSION'S APPELLATE AUTHORITY

RECITALS:

WHEREAS, the City of Flagstaff established the Transportation Commission, as currently constituted and structured, in 2001 to serve as a citizen advisory group charged with taking a comprehensive, long-range and in-depth look at the broad range of transportation issues facing the City of Flagstaff; and

WHEREAS, in 2006 the City of Flagstaff became a member agency of the Northern Arizona Intergovernmental Transportation Authority ("NAIPTA"), a public transportation agency established and operating pursuant to ARS § 28-9101; and

WHEREAS, input and advice from NAIPTA would further assist the City in matching transportation projects and capital expenditures to long-term City transportation goals; and

WHEREAS, currently, the Transportation Commission is vested with appellate authority, hearing appeals of "traffic regulation decisions" made by the City Traffic Engineer; and

WHEREAS, currently, there are two positions, City Engineer and Community Development Director, that supervise the work of the Traffic Engineer, and ensure that his or her decisions are not arbitrary, that all necessary criteria have been met, and that all positions have been adequately considered.

ENACTMENTS:

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:

SECTION 1. That Chapter 2-12, Transportation Commission, is hereby amended as follows:

**CHAPTER 2-12
TRANSPORTATION COMMISSION**

SECTION 2-12-001-0001 CITY POLICY

It is the policy of the City, in the exercise of the powers vested in the City Council for the protection of the public safety and promotion of the general welfare, to promote the safety of the traveling public and to improve utilization of the public ways for all forms of transportation.

**SECTION 2-12-001-0002 CREATION OF THE TRANSPORTATION COMMISSION AND
MEMBERSHIP**

- A. There is hereby created a commission to be known as the Transportation Commission.
- B. The Commission shall consist of seven (7) voting members and two (2) ex-officio, non-voting members. Each voting member shall be appointed by the City Council and shall continually reside within the City during the tenure of appointment. The Commission's membership shall be as follows:

1. The seven voting members of the Commission shall consist of all of the following:
 - (a) Five at large members selected from the general public.
 - (b) One member appointed to represent the Flagstaff Unified School District.
 - (c) One member appointed to represent the Northern Arizona Intergovernmental Public Transportation Authority.
2. The two ex officio, nonvoting members shall consist of the following:
 - (a) The Traffic Engineer, or his or her designee.
 - (b) The Chief of Police, or his or her designee.

1. ~~—— Voting members:~~

- a. ~~—— The Superintendent of the Flagstaff Unified School District or his/her designated representative.~~
- b. ~~—— Six (6) citizen members appointed by the City Council.~~

2. ~~—— Ex-officio, non-voting members:~~

- a. ~~—— One City of Flagstaff police officer appointed by the Chief of Police.~~
- b. ~~—— The Traffic Engineer.~~

~~In addition, the City Council may designate a Councilmember representative as a non-voting, ex-officio member of the Commission.~~

- BC. ~~Officers of the Commission shall be elected by the voting members of the Commission from the citizen membership.~~ The commission shall annually select one of its members to serve as chairperson.

(Ord. No. 2007-21, Amended 02/06/2007; Ord. 2010-14, Amended 6/15/10)

SECTION 2-12-001-0003 TERMS OF OFFICE:

~~Citizen M~~members of the Commission shall serve staggered three (3) year terms. No member may serve more than two three-year terms.

A member's term of office shall commence with the first regular Commission meeting following his appointment and terminate with the regular Commission meeting at which his successor takes office.

A Commission member who is absent from three consecutive regular meetings may have their remaining term terminated by a vote of the City Council upon recommendation of the Commission.

(Ord. No. 1942, Amended, 05/06/97); Ord. 2010-14, Amended 6/15/2010)

SECTION 2-12-001-0004 MEETINGS

The Commission shall meet quarterly and/or at the request of its chairperson for the disposal of such business as may come before it. ~~at least once each month at a regularly scheduled time and place to be designated by the Commission, and shall hold such special meetings as the membership shall decide and at such times and places as the Commission shall specify.~~

Meetings shall be conducted in accordance with the Board and Commission Members' Handbook adopted by resolution of the Flagstaff City Council, and in compliance with all other local, state, and federal laws.

A quorum shall be one more than half the voting membership of the Commission.

(Ord. 2010-14, Amended 06/15/2010)

SECTION 2-12-001-0005 FUNCTIONS OF THE COMMISSION

The functions of the Commission shall be:

- A. ~~To adopt traffic regulations or deny requests for changes in traffic regulations as follows:~~
 - 1. ~~To investigate and make determinations on traffic regulation items forwarded to it by the Transportation Engineering Program.~~
 - 2. ~~To hear the appeals of traffic regulation decisions of the Transportation Engineering Program as set forth in 9-01-001-0007 C. of the City Code~~
 - 3. ~~To forward to the City Council those traffic regulation items which it deems to be of sufficient interest to the general public as to require decision by the Council.~~
- AB. To formulate and recommend policies and ordinances to the City Council governing the general operations of the City streets, alleys, sidewalks and bikeways.
- BC. To review periodically traffic regulation actions of the Transportation Engineering Program.
- CD. To promote pedestrian, bicycle, transit and driver education programs in the school systems and to disseminate traffic and safety information to the public at large.

DE. To annually advise the City Council of the progress and expenditures of the City's Transportation Capital Improvements Program as related to the Election of May 2000. To carry out this function, the Transportation Commission shall:

1. Meet ~~biannually~~ annually with the City's Capital Improvements and Financial Services Staff to review the progress of the Transportation Capital Improvement Program's ("CIP") planning and programming efforts;
2. Ensure there is a coordinated approach for budgeting and expending transportation sales tax revenues for all transportation modes;
3. Provide input on the Transportation CIP's prioritization scoring criteria;
4. Provide a forum for public comment and input regarding the Transportation CIP;
5. Publish an annual Transportation CIP Advisory Report; and
6. Present the findings of said report to the City Council during a public meeting in conjunction with the annual budget process. At a minimum, the report shall discuss the previous years' income/expenditures, construction projects and planning activities.

EF. To perform other duties relating to public safety within the scope of this Commission.

(Ord. No. 2007-21, Amended 02/06/2007; Ord. No. 2010-14, Amended 06/15/2010)

SECTION 2-12-001-0006 OTHER POWERS:

- A. The Commission shall have the power to appoint subcommittees for the purpose of defining problems areas of traffic and traffic safety; proposing solutions to defined problems; or for any other undertaking which will reasonably lead to safer and more efficient traffic flow in the City.
- B. The City Council hereby establishes the following advisory committees to the Transportation Commission to provide advice on special traffic and transportation topics, and delegates to the commission the power to appoint members to these committees. No member of the Transportation Commission shall be a member of an advisory committee. The City Council retains the power to remove a member of an advisory committee for the reasons specified in the City's Board and Commission Members' Handbook.
 1. Bicycle Advisory Committee: Seven (7) citizen members appointed for a three-year term. No member may serve more than two three-year terms.
 2. Pedestrian Advisory Committee: Seven (7) citizen members appointed for a three-year term. No member may serve more than two three-year terms.
- C. The Transportation Commission shall define the operating procedures of the advisory committees, assuring compliance with the Arizona Open Meeting Law, and the City's Board and Commission Members' Handbook, including, but not limited to:

1. The advisory committees shall report on their activities to the Transportation Commission at each commission meeting.
2. The advisory committees shall investigate, consider, and make recommendations to the Transportation Commission on items assigned to them by the Commission regarding their respective areas of interest.
3. The advisory committees shall bring to the Transportation Commission items of a planning, design, or regulatory nature that come to their attention regarding the City's pedestrian and bikeway systems.

(Ord. No. 2007-21, Amended 03/06/2007); (Ord. No. 2007-21, Amended 02/06/2007); (Ordinance No. 2010-14, 06/15/2010)

~~SECTION 2-12-001-0007~~ ~~APPEAL PROCEDURE:~~

~~Traffic regulation decisions of the Transportation Commission, as set forth in Section 2-12-001-0006 A., may be appealed by any aggrieved party to the City Council by presentation of a request for such an appeal in writing to the Traffic Engineering Section within ten (10) working days of the date of the Commission's action. The appeal shall be placed on the currently open agenda for the next regularly scheduled Council Meeting. The Council may hear arguments and shall make the final decision on the matter. (Ord. 1349, 2-19-85); (Ord. No. 2007-21, Amended 02/06/2007); (Ordinance No. 2010-14, 06/15/2010)~~

SECTION 2. That the City Clerk be authorized to correct typographical and grammatical errors, as well as errors of wording and punctuation, as necessary; and that the City Clerk be authorized to make formatting changes needed for purposes of clarity and form, if required, to be consistent with Flagstaff City Code.

PASSED AND ADOPTED by the City Council and approved by the Mayor of the City of Flagstaff this _____ day of _____, 2013.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

CITY OF FLAGSTAFF
STAFF SUMMARY REPORT

To: The Honorable Mayor and Council
From: Andy Wagemaker, Revenue Director
Date: 08/26/2013
Meeting Date: 09/17/2013



TITLE:

Consideration and Approval of Miscellaneous Receivable Account Writeoffs: Delinquent and uncollectable accounts for Fiscal Year 2013.

RECOMMENDED ACTION:

Approve the write-off of delinquent and uncollectable miscellaneous receivable accounts in the amount of \$3,831.73.

Policy Decision or Reason for Action:

Generally accepted business practices allow for the write-off of uncollectable accounts. City staff has exhausted collection efforts on the eligible accounts and will no longer actively collect on them. Where possible, the amount owed has been applied against the credit of the debtor and may be collected in the future. Pursuant to federal consumer debt collection law, delinquent account information is not subject to public release.

Subsidiary Decisions Points: None

Financial Impact:

None that is unbudgeted. Each year, the City anticipates that there will be uncollectable miscellaneous receivable accounts and reserves an amount at year end for these accounts.

Connection to Council Goal:

Effective governance.

Previous Council Decision on This:

No.

Options and Alternatives:

- Authorize the write-off of uncollectable miscellaneous receivable accounts.
- Do not authorize the write-off off uncollectable miscellaneous receivable accounts and continue collection efforts.

Background/History:

Before any account is eligible for write-off, staff must initiate collection efforts on each account after it becomes delinquent. When collection efforts are exhausted, the account is eligible for write-off. If possible, any amounts due are applied to the customer's credit. If placed on the customer's credit, the amount owed remains active for seven years after the delinquency date. Application against the credit of the debtor may lead to the recovery of some of the delinquent amounts in the future. This often occurs when customers apply for credit via other avenues (i.e., mortgages, car loans, apartment rentals, etc.).

Examples of miscellaneous receivable write-offs may include, but are not limited to, the following possible types: landfill, airport, fire contract, retiree insurance, damage claims, among others. Total miscellaneous receivable billings in FY13 were approximately \$9.45 million. The write-offs equate to approximately 0.04% of the total amount.

Pursuant to federal consumer debt collection law, delinquent account information is not subject to public release.

Miscellaneous Receivable Write-Offs (5 Year History)

Write-Off Year	Amt of Write-Off	Annual Amt Billed	% of Amt Billed
FY13	\$3,831.73	\$9.4 million	0.04%
FY12	\$33,322.21	\$11.1 million	0.30%
FY11	\$77,420.61	\$12.5 million	0.62%
FY10	\$107,059.95	\$10.6 million	1.01%
FY09	\$7,081.09	\$8.6 million	0.08%

Key Considerations:

Staff, using billing statements, letters, and telephone calls, has worked the write-off accounts. When customers fail to make payments, they are denied access to future City services and, when possible, the amount owed is applied to their credit.

Expanded Financial Considerations:

It is sound financial management practice to reduce assets to reflect their true valuation. Failure to write-off accounts deemed uncollectable overstates the asset value of the City.

Community Involvement:

Inform. Yearly write-offs ensure that the City is following generally accepted business practices.

Expanded Options and Alternatives:

None.

Attachments:

Form Review

Inbox
Legal Assistant
Senior Assistant City Attorney AW
Management Services Director
DCM - Josh Copley

Reviewed By
Vicki Baker
Anja Wendel
Barbara Goodrich
Elizabeth A. Burke

Date
08/29/2013 09:29 AM
08/30/2013 12:46 PM
09/02/2013 09:08 AM
09/03/2013 08:05 AM

DCM - Jerene Watson

Jerene Watson

09/05/2013 09:15 AM

Form Started By: Andy Wagemaker

Started On: 08/26/2013 01:21 PM

Final Approval Date: 09/05/2013

CITY OF FLAGSTAFF
STAFF SUMMARY REPORT

To: The Honorable Mayor and Council
From: Andy Wagemaker, Revenue Director
Date: 08/26/2013
Meeting Date: 09/17/2013



TITLE:

Consideration and Approval of Transaction Privilege (Sales) Tax Account Write-offs: Delinquent and uncollectable accounts for Fiscal Year 2013.

RECOMMENDED ACTION:

Approve the write-off of delinquent and uncollectable transaction privilege (sales) tax accounts in the amount of \$100,866.05.

Policy Decision or Reason for Action:

Generally accepted business practices allow for the write-off of uncollectable accounts. City staff has exhausted collection efforts on the eligible accounts and will no longer actively collect on them. **The write-offs only relate to the City's accounting records. The City does not release recorded tax liens nor does it clear outstanding debts from credit reporting agency records. As a result, debt that has been previously written-off is occasionally paid some time later in order to clear a tax lien that has attached to real property, or to clear up a taxpayer's personal credit.** Pursuant to state law, taxpayer information is confidential.

Subsidiary Decisions Points: No subsidiary decision points.

Financial Impact:

None. Each year, the City anticipates that there will be uncollectable transaction privilege (sales) tax accounts and reserves an amount at year end for these accounts.

Connection to Council Goal:

Effective governance.

Previous Council Decision on This:

No.

Options and Alternatives:

- Authorize the write-off of uncollectable transaction privilege (sales) tax accounts.
- Do not authorize the write-off of uncollectable transaction privilege (sales) tax accounts and continue collection efforts.

Background/History:

Before any account is eligible for write-off, staff must initiate collection efforts on each account after it becomes delinquent. When collection efforts are exhausted, the account is eligible for write-off. If possible, any amounts due are applied to the customer's credit. If placed on the customer's credit, the amount owed remains active for 7 years after the delinquency date. Application against the credit of the debtor may lead to the recovery of some of the delinquent amounts in the future. This often occurs when customers apply for credit via other avenues (mortgages, car loans, apartment rentals, etc.).

In FY13, the City received approximately \$34.4 million in transaction privilege (sales) taxes, transportation taxes, BBB taxes, and franchise fees. The write-offs are 0.29% of the total amount. Each of the write-off accounts no longer operates in Flagstaff.

Pursuant to federal consumer debt collection law, delinquent account information is not subject to public release. Pursuant to state law, taxpayer information is confidential.

Transaction Privilege (Sales) Tax Account Write-Offs (5 Year History)

Write-Off Year	Amt of Write-Off	Annual Amt Billed	% of Amt Billed
FY13	\$100,866.05	\$34.4 million	0.293%
FY12	\$113,481.22	\$33.0 million	0.344%
FY11	\$109,121.32	\$31.1 million	0.350%
FY10	\$4,866.76	\$26.8 million	0.018%
FY09	\$10,345.93	\$29.3 million	0.035%

Key Considerations:

Staff, using billing statements, letters, and telephone calls, has worked the write-off accounts. When customers fail to make payments, they are denied access to future City services and, when possible, the amount owed is applied to their credit.

Expanded Financial Considerations:

It is sound financial management practice to reduce assets to reflect their true valuation. Failure to write-off accounts deemed uncollectable overstates the asset value of the City.

Community Involvement:

Inform. Yearly write-offs ensure that the City is following generally accepted business practices.

Expanded Options and Alternatives:

None.

Attachments:

Form Review

Inbox
Tax License & Revenue Manager
Revenue Director (Originator)
Legal Assistant

Reviewed By
Ranbir Cheema
Andy Wagemaker
Vicki Baker

Date
08/27/2013 07:39 AM
08/27/2013 07:50 AM
08/27/2013 08:49 AM

Senior Assistant City Attorney AW
Management Services Director

DCM - Jerene Watson

DCM - Josh Copley

Form Started By: Andy Wagemaker

Anja Wendel
Barbara Goodrich
Jerene Watson
Elizabeth A. Burke

Final Approval Date: 09/03/2013

08/27/2013 09:14 AM

08/27/2013 11:03 AM

08/27/2013 01:21 PM

09/03/2013 08:05 AM

Started On: 08/26/2013 01:29 PM

**CITY OF FLAGSTAFF
STAFF SUMMARY REPORT**

To: The Honorable Mayor and Council
From: Andy Wagemaker, Revenue Director
Date: 08/26/2013
Meeting Date: 09/17/2013



TITLE:

Consideration and Approval of Utility Account Write-offs: Delinquent and uncollectable accounts for Fiscal Year 2013.

RECOMMENDED ACTION:

Approve the write-off of delinquent and uncollectable utility accounts in the amount of \$121,300.64.

Policy Decision or Reason for Action:

Generally accepted business practices allow for the write-off of uncollectable accounts. City staff has exhausted collection efforts on the eligible accounts and will no longer actively collect on them. The City may still recover some amounts owed, since recorded tax liens remain in place and taxpayers may seek to clear personal credit by paying delinquent amounts. Pursuant to state tax laws, delinquent account information is not subject to public release.

Subsidiary Decisions Points: No subsidiary decision points.

Financial Impact:

None. Each year, the City anticipates that there will be uncollectable utility accounts and reserves an amount at year end for these accounts.

Connection to Council Goal:

Effective governance.

Previous Council Decision on This:

No.

Options and Alternatives:

- Authorize the write-off of uncollectable utility accounts.
- Do not authorize the write-off of uncollectable utility accounts and continue collection efforts.

Background/History:

Before any account is eligible for write-off, staff must initiate collection efforts on each account after it becomes delinquent. When collection efforts are exhausted, the account is eligible for write-off. If possible, any amounts due are applied to the customer's credit. If placed on the customer's credit, the amount owed remains active for 7 years after the delinquency date. Application against the credit of the debtor may lead to the recovery of some of the delinquent amounts in the future. This often occurs when customers apply for credit via other avenues (i.e., mortgages, car loans, apartment rentals, etc.).

Total utility billings in FY13 were approximately \$32.2 million. The write-offs are approximately 0.38% of the total amount. The increase in FY13 is mainly due to an unfilled meter technician position (2 meter technicians instead of 3 meter technicians) for approximately 6 months of the write-off period. Due to the unfilled position, Meter Services focused staff efforts on meter reading and it did not have the capacity to perform as many meter lock-offs, a tool that helps limit the annual write-off amount.

Pursuant to federal consumer debt collection law, delinquent account information is not subject to public release.

Utility Account Write-Offs (5 Year History)

<i>Write-Off Year</i>	<i>Amt of Write-Off</i>	<i>Annual Amt Billed</i>	<i>% of Amt Billed</i>
<i>FY13</i>	<i>\$121,300.64</i>	<i>\$32.2 million</i>	<i>0.38%</i>
<i>FY12</i>	<i>\$97,198.35</i>	<i>\$29.8 million</i>	<i>0.33%</i>
<i>FY11</i>	<i>\$41,508.08</i>	<i>\$26.1 million</i>	<i>0.16%</i>
<i>FY10</i>	<i>\$60,420.89</i>	<i>\$24.8 million</i>	<i>0.25%</i>
<i>FY09</i>	<i>\$60,569.03</i>	<i>\$24.2 million</i>	<i>0.25%</i>

Utility Account Write-Off Breakdown History

	<i>Utilities</i>	<i>Public Works</i>	<i>Storm Water</i>	<i>Taxes</i>
<i>FY13</i>	<i>\$86,993.14</i>	<i>\$26,226.11</i>	<i>\$4,407.71</i>	<i>\$3,673.68</i>
<i>FY12</i>	<i>\$67,007.20</i>	<i>\$23,647.05</i>	<i>\$3,848.82</i>	<i>\$2,695.28</i>

Key Considerations:

Staff, using billing statements, letters and telephone calls, has worked the write-off accounts. When customers fail to make payments, they may be denied access to future City services and, when possible, the amount owed is applied to their credit.

Expanded Financial Considerations:

It is sound financial management practice to reduce assets to reflect their true valuation. Failure to write-off accounts deemed uncollectable overstates the asset value of the City.

Community Involvement:

Inform. Yearly write-offs ensure that the City is following generally accepted business practices.

Expanded Options and Alternatives:

None.

Attachments:

Form Review

Inbox	Reviewed By	Date
Public Works Section Head - Bourque	Patrick Bourque	08/27/2013 04:22 PM
Utilites Director	Brad Hill	08/30/2013 11:43 AM
Legal Assistant	Vicki Baker	08/30/2013 11:49 AM
Senior Assistant City Attorney AW	Anja Wendel	08/30/2013 12:45 PM
Management Services Director	Barbara Goodrich	09/02/2013 09:08 AM
DCM - Josh Copley	Elizabeth A. Burke	09/03/2013 08:05 AM
DCM - Jerene Watson	Jerene Watson	09/05/2013 09:11 AM
Form Started By: Andy Wagemaker		Started On: 08/26/2013 01:49 PM
Final Approval Date: 09/05/2013		

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To: The Honorable Mayor and Council

From: Jerene Watson, Deputy City Manager

Co-Submitter: David McIntire, Asst. to City Manager - Real Estate

Date: 08/30/2013

Meeting Date: 09/17/2013



TITLE:

Consideration and Approval of an Intergovernmental Agreement with Northern Arizona Council of Governments (NACOG) to continue operation of their Head Start programs at five city-owned facilities.

RECOMMENDED ACTION:

Approve the intergovernmental agreement to allow NACOG to continue operating Head Start programs at the five locations where they currently are operating.

Policy Decision or Reason for Action:

NACOG has conducted Head Start classroom services from various city-owned locations around the City for more than 30 years and would like to continue doing so. This intergovernmental agreement combines the active leases into one umbrella agreement in order to better sustain the long-term arrangement of this program. It also provides NACOG with the documentation they are needing for their federal audit in October.

Financial Impact:

There is no change in the financial impact to this arrangement, moving the individual sites from leases to one IGA with NACOG for their Head Start services.

Connection to Council Goal:

Effective governance.

Has There Been Previous Council Decision on This:

Yes, by property as follows:

- August 22, 1994 the City Council authorized use of city-owned property at Clark Homes, operated by the Flagstaff Housing Authority for a Headstart/Community Facility for 20 years (expiring in 2014).

Additionally, leases were signed by the Flagstaff Housing Authority for the following properties:

- September 1, 2006, the Flagstaff Housing Authority signed a 10-year lease with NACOG for use of facilities in Sunnyside at 1825 N. Main St.(expiring in 2016)
- September 1, 2006, the Flagstaff Housing Authority signed a 10-year lease with NACOG for use of facilities at Siler Homes @ 3581 N. Fanning Drive (expiring in 2016); original lease dates back to

1981

- September 1, 1980, the Flagstaff Housing Authority signed a 1-year lease that is renewed annually until either party gives notification of intent to cancel for use of facilities at Ponderosa, 2500 N. First Street

No lease agreement was formalized at Cogdill until this IGA but FHA and NACOG operated under an informal agreement that mirrored lease terms as established in the above leases.

Options and Alternatives:

Not approving this IGA may jeopardize the federal funding of programs and work of NACOG who are accountable to the Federal government for documenting their expenditures through agreements or leases.

Background/History:

NACOG and the City have existing arrangements regarding the use of property owned by the City and Flagstaff Housing Authority which have provided benefits to the community. City-owned facilities at Clark Homes (1000 N. Clark Circle), Cogdill (301 S. Paseo Del Flag), Ponderosa (2500 N. First Street), Siler Homes (3681 N. Fanning Drive) and Sunnyside (1825 N. Main Street) are used for public purposes and benefits through the leasing or use by others. The use of each site is donated to NACOG for the exclusive provision of program services and to help meet local grant match requirements. The valuation amount used for the "in-kind" match purposes at each site is determined by a formal appraisal which NACOG obtains.

NACOG is also responsible for preparing the sites to meet and maintain the state and local licensing requirements. Any other use of the City-owned site cannot infringe upon or violate the Head Start licensing requirements. Maintenance of all sites are "general use" maintenance performed by NACOG with repairs and utilities noted per center by agreement. NACOG also carries insurance of \$3,000,000,000 at each center listing the City as the co-insured.

For more than 30 years, NACOG has leased properties from the City via the Flagstaff Housing Authority (FHA) to provide early childhood education, recreational and other services to children in the community through the Head Start offerings. This IGA will bring together the disparate agreements and put in one document the rent and terms of the agreement and responsibilities of respective parties.

Key Considerations:

It is in the best interests of the citizens of Flagstaff for the City and NACOG to enter into this Agreement which will continue to facilitate educational and recreational activities to children in the community via Head Start programming.

Community Benefits and Considerations:

NACOG serves 414 children in the entire community through their programming at five sites around the City.

Community Involvement:

Collaborate: in partnership with NACOG, Head Start educational offerings are provided to the community to supplement early childhood education for eligible families and children to take advantage of these services.

Attachments: NACOG Head Start IGA

Form Review

Inbox	Reviewed By	Date
Purchasing Director	Elizabeth A. Burke	08/30/2013 04:40 PM
DCM - Jerene Watson (Originator)	Jerene Watson	09/05/2013 10:44 AM
Purchasing Director	Elizabeth A. Burke	09/05/2013 10:48 AM
Asst. to City Manager - Real Estate	David McIntire	09/05/2013 10:54 AM
FHA Director	Mike Gouhin	09/05/2013 02:40 PM
Purchasing Director	Rick Compau	09/05/2013 03:23 PM
Finance Director	Rick Tadder	09/05/2013 03:58 PM
Legal Assistant	Vicki Baker	09/05/2013 03:59 PM
City Attorney	Michelle D'Andrea	09/05/2013 05:46 PM
Form Started By: Jerene Watson		Started On: 08/30/2013 11:24 AM
Final Approval Date: 09/05/2013		

After recording, return to:
City Clerk
City of Flagstaff
211 W. Aspen Avenue
Flagstaff, AZ 86001

INTERGOVERNMENTAL AGREEMENT

City of Flagstaff and The Northern Arizona Council of Governments

This Intergovernmental Agreement ("IGA") is made this _____ day of _____, 2013 by and between the City of Flagstaff, an Arizona municipal corporation with offices located at 211 West Aspen, Flagstaff, Arizona (the "City"), and the Northern Arizona Council of Governments, a local government political subdivision of the State of Arizona, with offices located at 121 East Aspen, Flagstaff, Arizona 86001 (the "NACOG," and collectively with City, the "Parties").

RECITALS

- A. NACOG and the City have in the past made arrangements regarding the use of property owned by the other which have provided benefits to the community. The Parties desire, at this time, to address several of those arrangements with one intergovernmental agreement.
- B. As governmental entities recognized under the laws of the State of Arizona, each party has the appropriate authority to enter this Intergovernmental Agreement.
- C. The City owns certain real property, described below, and is authorized by its Charter to use such property for public purposes and benefits such as providing recreational services to children .
- D. NACOG desires to use certain properties owned by the City to continue to provide recreational and other services to children in the community through the Head Start programs which NACOG offers.
- E. NACOG's continued provision of recreation and other services is a benefit to the City and the citizens of the City of Flagstaff
- F. It is in the best interests of the citizens of Flagstaff for the City and NACOG to enter into this Intergovernmental Agreement which will continue to facilitate recreational activities and provide other services to children in the community via Head Start.
- G. The Parties wish to set forth their agreement regarding the use of certain properties and the maintenance of those certain properties in the terms and conditions contained in this Intergovernmental Agreement.

NOW, THEREFORE, in consideration of the premises and the mutual covenants contained herein, the Parties agree as follows:

1. PROPERTIES

- A. Cogdill. Under the terms of this Intergovernmental Agreement between the City and NACOG, the City hereby authorizes use of that certain real property owned by the City located at 301 South Paseo Del Flag, Flagstaff, commonly known as the Cogdill property, to NACOG for the continuation of the Head Start programs offered by NACOG at the Cogdill property.
- B. Clark Homes. Under the terms of this Intergovernmental Agreement between the City and NACOG, the City hereby authorizes use of that certain real property owned by the City located at 1000 North Clark Circle, Flagstaff, commonly known as the Clark Homes property, to NACOG for the continuation of the Head Start programs offered by NACOG at the Clark Homes property.
- C. Ponderosa. Under the terms of this Intergovernmental Agreement between the City and NACOG, the City hereby authorizes use of that certain real property owned by the City located 2500 North First Street, Flagstaff, commonly known as the Ponderosa property, to NACOG for the continuation of the Head Start programs offered by NACOG at the Ponderosa property.
- D. Sunnyside. Under the terms of this Intergovernmental Agreement between the City and NACOG, the City hereby authorizes use of that certain real property owned by the City located at 1825 North Main Street, Flagstaff, commonly known as the Sunnyside property, to NACOG for the continuation of the Head Start programs offered by NACOG at the Sunnyside property.
- E. Siler Homes. Under the terms of this Intergovernmental Agreement between the City and NACOG, the City hereby authorizes use of that certain real property owned by the City located at 3581 North Fanning Drive, commonly known as the Siler Homes property to NACOG for the continuation of the Head Start programs offered by NACOG at the Siler Homes property.

2. USE OF THE PROPERTIES

2.1 Description of Space Utilized by NACOG. During the term of this Intergovernmental Agreement, NACOG may use the City properties referenced in this Intergovernmental Agreement for providing services, including recreational services to children in the community within the parameters of the Head Start program administered by NACOG. As the amount of space varies from property to property, a description of the space used for each respective property is as follows:

A. Cogdill:

1. Indoor space comprising 1,929 square feet which includes:
 - i. Two classrooms;
 - ii. One office;
 - iii. Part-time staff work space (one room);
 - iv. Exclusive use of the restrooms in the classrooms and scheduled exclusive use of restrooms in the hallway;
 - v. One storage closet adjacent to gym area;
 - vi. Two classroom bathrooms and two adult bathrooms in the hallway area (shared with City personnel);
 - vii. Kitchen and adjacent pantry areas;
2. Occasional use of large gym area for indoor play during cold weather. (Conditions of used scheduled with Boys & Girls Club).
3. Occasional use of Computer room. (Conditions of used scheduled with Boys & Girls Club).
4. Outdoor space comprising 2,500 square feet which includes:
 - i. Shared outdoor playground space which shall be used exclusively by NACOG Head Start during the Head Start hours of operation;
 - ii. Age appropriate playground equipment and supplies purchased, installed & maintained by NACOG Head Start for the portion of the playground designed for children ages 2-5;
5. Reasonably sufficient space for parking for the NACOG Head Start staff, parents and community volunteers;
6. Reasonably sufficient space for parking for the NACOG Head Start staff, parents and community volunteers.

B. Clark Homes:

1. Reasonably sufficient space on the land for placement of the two classroom modular units comprising 2,160 square feet;
2. Reasonably sufficient space on the land (2,426 square feet) for placement of playground and playground equipment, supplied and maintained by NACOG, in a manner compliant with Head Start outdoor play requirements and standards;
3. Reasonably sufficient space on the land for the placement of three (3) storage sheds behind the classroom space;
4. Reasonably sufficient space for parking for the NACOG Head Start staff, parents and community volunteers;
5. Reasonably sufficient parking to accommodate child Drop-off and Pick-up times.

C. Ponderosa:

1. Indoor space in the former City recreation building comprising 3,252 square feet which includes:
 - i. Two classrooms;
 - ii. Kitchen;

- iii. Two bathrooms;
 - iv. Three offices;
 - v. One storage room.
- 2. Outdoor space comprising 7,720 square feet which includes:
 - i. Reasonably sufficient space on the land for placement of one classroom modular unit 36' X 60' (2,160 square feet);
 - ii. Reasonably sufficient space on the land (5,560 square feet) for placement of playground and playground equipment, supplied and maintained by NACOG, in a manner compliant with Head Start outdoor play requirements and standards;
- 3. Reasonably sufficient space for parking for the NACOG Head Start staff, parents and community volunteers;
- 4. Reasonably sufficient parking to accommodate child Drop-off and Pick-up times.

D. Sunnyside:

- 1. Indoor space comprising 4,100 square feet which includes:
 - i. One classroom;
 - ii. One training room
 - iii. Three offices;
 - iv. One kitchen;
 - v. Four bathrooms;
- 2. Outdoor space comprising 1,922 square feet which includes:
 - i. Reasonably sufficient space on the land for placement of playground and playground equipment, supplied and maintained by NACOG, in a manner compliant with Head Start outdoor play requirements and standards;
- 3. Reasonably sufficient space for parking for the NACOG Head Start staff, parents and community volunteers;
- 4. Reasonably sufficient parking to accommodate child Drop-off and Pick-up times.

E. Siler Homes:

- 1. Indoor space comprising 4,069 square feet which includes:
 - i. Two classrooms;
 - ii. Three offices;
 - iii. Kitchen;
 - iv. Three bathrooms;
- 2. Outdoor space comprising 7,127 square feet which includes:
 - i. Reasonably sufficient space on the land for placement of playground and playground equipment, supplied and maintained by NACOG, in a manner compliant with Head Start outdoor play requirements and standards;
- 3. Reasonably sufficient space for parking for the NACOG Head Start staff, parents and community volunteers;

4. Reasonably sufficient parking to accommodate child Drop-off and Pick-up times.

2.2 Term. The use of each individual City property under this Intergovernmental Agreement shall be for a term of one (1) year; however, such term shall automatically renew each year upon the date of expiration of this Intergovernmental Agreement until either party gives a sixty (60) day written notice of intent to terminate this Intergovernmental Agreement which states, for the other party, the specific City property for which the Intergovernmental Agreement shall be terminated.

2.3 Maintenance and Repairs.

- A. Cogdill: NACOG shall be responsible to perform (or cause to be performed) all routine maintenance to the classrooms, kitchen and kitchen equipment on the City property including but not limited to trash and debris removal which shall be performed in all respects in accordance with applicable health and safety laws and rules. Both Parties shall be responsible for routine maintenance and upkeep of the playground space. The City shall be responsible for the maintenance of the heating/cooling, plumbing and all other facility issues.
- B. Clark Homes: NACOG shall be responsible to perform (or cause to be performed) all routine maintenance (interior and exterior) on the City property including but not limited to trash, debris and snow removal which shall be performed in all respects in accordance with applicable health and safety laws and rules. NACOG shall be responsible for repairs of paved surfaces on the City property.
- C. Ponderosa: NACOG shall be responsible to perform (or cause to be performed) all routine maintenance (interior and exterior) of the City property including but not limited to trash, debris and snow removal which shall be performed in all respects in accordance with applicable health and safety laws and rules. NACOG shall be responsible for repairs of paved surfaces on the City property.
- D. Sunnyside: NACOG shall be responsible to perform (or cause to be performed) all routine maintenance (interior and exterior) of the City property including but not limited to trash, debris and snow removal which shall be performed in all respects in accordance with applicable health and safety laws and rules. NACOG shall be responsible for repairs of paved surfaces on the City property.
- E. Siler Homes: NACOG shall be responsible to perform (or cause to be performed) all routine maintenance (interior and exterior) of the City Property including but not limited to trash, debris and snow removal which shall be performed in all respects in accordance with applicable health and safety laws and rules. NACOG shall be responsible for repairs of paved surfaces on the City property.

2.4 Utilities. Utilities shall be paid with respect to each of the parcels of real property as follows:

- A. Cogdill: NACOG shall be responsible for the Internet/Phone and Trash/Sanitation Services. The City shall be responsible for Electric, Gas, Water & Sewer Services.
- B. Clark Homes: NACOG shall be responsible all utilities.
- C. Ponderosa: NACOG shall be responsible all utilities.
- D. Sunnyside: NACOG shall be responsible all utilities.
- E. Siler Homes: NACOG shall be responsible for the Internet/Phone and Trash/Sanitation Services. The City shall be responsible for Electric, Gas, Water & Sewer Services.

2.5 Periods of Use. NACOG shall only have the exclusive right and privilege to use the City properties during the time NACOG Head Start is in session, typically the ten (10) months from August – May.

3. INSURANCE

NACOG shall procure and maintain throughout the term of the Intergovernmental Agreement, and any extension or renewal hereof, commercial general liability insurance with a combined single limit of liability coverage not less than One Million Dollars (\$1,000,000 per occurrence; \$3,000,000 aggregate).

4. AGENTS, EMPLOYEES, AND CONTRACTORS

4.1 Agents, employees and contractors hired by a Party to provide services under this Intergovernmental Agreement shall be and remain the agents, employees, and contractors of the hiring Party solely, and shall not be considered agents, employees, or contractors of the other Party.

4.2 NACOG agrees to perform background checks on every agent and employee hired by NACOG to render any services, or perform any duties on any and all five parcels referred to in this Intergovernmental Agreement.

5. INDEMNIFICATION

5.1 The City agrees to indemnify, defend, and hold harmless NACOG from and against any and all claims, losses, liability, costs, or expenses (including reasonable attorney's fees) (hereinafter collectively referred to as "Claims") arising out of bodily injury of any person (including death) or property damage, but only to the extent that such Claims that result in vicarious/derivative liability to NACOG are caused by the act, omission, negligence, misconduct or other fault of the City, its officers, officials, agents, employees, invitees or volunteers.

5.2 NACOG agrees to indemnify, defend, and hold harmless the City from and against any and all claims, losses, liability, costs, or expenses (including reasonable attorney's fees) (hereinafter collectively referred to as "Claims") arising out of bodily injury of any person (including death) or property damage, but only to the extent that such Claims that result in vicarious/derivative liability to the City are caused by the act, omission, negligence, misconduct or other fault of NACOG, its officers, officials, agents, employees, invitees or volunteers.

6. AMENDMENTS

This Intergovernmental Agreement may be modified only by written agreement signed by authorized representatives of both Parties.

7. NO ASSIGNMENT; BINDING EFFECT

This Agreement is not assignable by either party. Any attempt to do so shall render the assignment null and void and the Agreement may be terminated immediately by the non-assigning party.

8. SEVERABILITY

In the event that a court of competent jurisdiction shall hold any part of provision of this Intergovernmental Agreement void or of no effect, the remaining provisions of this Intergovernmental Agreement shall remain in full force and effect, to the extent that the continued enforcement of such remaining terms shall continue to reflect substantially the intent of the parties hereto.

9. WAIVER

No failure to enforce any condition or covenant of this Intergovernmental Agreement shall imply or constitute a waiver of the right to insist upon performance of such condition or covenant, of or any other provision hereof, nor shall any waiver by either Party of any breach of any one or more conditions or covenants of this Intergovernmental Agreement constitute a waiver of any succeeding or other breach hereunder.

10. MERGER

Each Party acknowledges and agrees that it has not relied upon any statements, representations, agreements or warranties, except as expressed herein, and that this Intergovernmental Agreement constitutes the entire agreement of the Parties with respect to the matters addressed herein. All prior and contemporaneous agreements, representations, and understandings, whether oral or written, are superseded by and merged in this Intergovernmental Agreement.

11. CONFLICT OF INTEREST

This Intergovernmental Agreement is subject to the provisions of A.R.S. §38-511, which permits either Party within three years after the execution of this Intergovernmental Agreement, to cancel this Intergovernmental Agreement, without penalty or further obligation, if any person significantly involved in initiating, negotiating, securing, drafting or creating this Intergovernmental Agreement on behalf of the Party, is, at any time while the Intergovernmental Agreement or any extension of the Intergovernmental Agreement is in effect, an employee or agent of the other Party in any capacity or a consultant to the other Party with respect to the subject matter of the Intergovernmental Agreement.

12. GOVERNING LAW

12.1 This Agreement shall be construed under the laws of the State of Arizona and shall incorporate by reference all laws governing intergovernmental agreements and mandatory contract provisions of state agencies required by statute or executive order.

12.2 All statutes and regulations referenced in this Agreement are incorporated herein as if fully stated in their entirety in the Agreement. Each Party agrees to comply with and be responsible for the provisions, the statutes, and the regulations set out in this Agreement.

13. LEGAL WORKERS

As mandated by Arizona Revised Statutes § 41-4401, each party (a) warrants the party's compliance with all federal immigration laws and regulations that relate to the party's employees and their compliance with Arizona Revised Statutes § 23-214(A); (b) acknowledges that a breach of the warranty in subsection (a) of this section shall be deemed a material breach of this Agreement that is subject to penalties up to and including termination of this Agreement; and (c) retains the legal right to inspect the papers of any contractor or subcontractor employee who works pursuant to this Agreement to ensure compliance with the warranty.

14. CONSTRUCTION

This Agreement shall be construed as a whole and in accordance with its fair meaning. This Agreement shall not be construed for or against either Party. Headings are for convenience only and shall not affect the meaning or construction of any provision of this Agreement.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the day and year first written above.

City of Flagstaff, City

**Northern Arizona Council of
Governments, NACOG**

Gerald W. Nabours, Mayor

?

Attest:

Attest:

City Clerk

Approved as to form:

Approved as to form:

CITY OF FLAGSTAFF
STAFF SUMMARY REPORT

To: The Honorable Mayor and Council
From: Walt Miller, Deputy Chief
Date: 09/05/2013
Meeting Date: 09/17/2013



TITLE:

Consideration of Ordinance No. 2013-20: An Ordinance adopting the prohibition of intentionally, knowingly or recklessly feeding wildlife.

RECOMMENDED ACTION:

- 1) Move to read Ordinance 2013-20 for the final time by title only
- 2) City Clerk reads Ordinance No. 2013-20 by title only (if approved above)
- 3) Adopt Ordinance No. 2013-20

Policy Decision or Reason for Action:

The Flagstaff Police Department, in collaboration with the Arizona Game and Fish Department, is requesting the approval of Ordinance 2013-20, which would prohibit the feeding of wildlife, with exception to birds and squirrels.

Financial Impact:

There is no financial impact to the City of Flagstaff by adopting this ordinance.

Connection to Council Goal:

Effective governance by responding to community concerns.

Has There Been Previous Council Decision on This:

Yes, there has been prior discussion of a proposed ordinance. During the Council work session on May 14, 2013, Larry Phoenix with the Arizona Game and Fish Department presented Council with the Power Point presentation, "Wildlife Anti-Feeding Ordinance." At the conclusion of the presentation, staff was directed by Council to move forward with review of an ordinance. Additionally, at the August 26, 2013, meeting the City Council held discussion and received public input, and ultimately amended the ordinance and held first reading.

Options and Alternatives:

- 1) Adopt Ordinance 2013-20 making it unlawful to intentionally, knowingly or recklessly feed wildlife
- 2) Do not adopt Ordinance 2013-20
- 3) Amend the ordinance with consideration of the options listed under **Expanded Options and Alternatives** in this communication.

Background/History:

In the past several years the Arizona Game and Fish Department has received several complaints from citizens in Flagstaff regarding the intentional feeding of wildlife, specifically deer and elk. Intentional feeding attracts wildlife to a specific area and over a very short course of time they become habituated to humans and become a nuisance. It has also been reported they damage the property of homeowners. Once attracted and habituated to humans, they pose a public safety concern as wildlife become dependent on humans for food, less wary of humans and may become dangerous, unpredictable and aggressive. Feeding will also create unnatural crowding and can attract predators such as coyotes, lions, bobcats and bears. One person feeding could potentially cause problems for themselves and surrounding neighbors by drawing predators into the area. There are also concerns that the food source that is being used can actually harm wildlife as it is usually not formulated for consumption by wildlife and can especially harm young animals. Feeding will also concentrate wildlife and increase animal to animal contact further spreading disease such as eye and respiratory infections and in many cases rabies.

The City of Flagstaff and the Flagstaff Police Department have worked in collaboration with the Arizona Game and Fish Department on drafting this ordinance in an effort to address public concerns, public safety and the welfare and safety of wildlife.

Key Considerations:

It is hoped that by adopting Ordinance 2013-20 it will regulate the intentional feeding of wildlife by taking a proactive approach to feeding issues that are a concern to the citizens of Flagstaff and the Arizona Game and Fish Department at both the state and regional level. This ordinance will help address public safety and nuisance wildlife issues associated with feeding activities. Any peace officer in the state may enforce revised statutes and many city ordinances. It is intended that an officer with the Arizona Game & Fish Department can enforce this ordinance as the Flagstaff Municipal Court will accept citations issued by a state certified law enforcement officer .

Arizona Revised Statute Sec. 13-2927 does prohibit the feeding of wildlife; however it only applies in counties with a population of more than two hundred eighty thousand (280,000) persons. (Coconino County's population is 134,511 as per the 2011 census.) Therefore, there are no state statutes or county ordinances that prohibit the feeding of wildlife. The Flagstaff Police Department has been in communication with the Coconino County Sheriff's Department and they have had recent discussions with County administration about adopting an ordinance as well. The Arizona Game and Fish Department has approached the Coconino County Board of Supervisors on three separate occasions, but for reasons unknown, the ordinance has not gained any traction.

Within the State, several other counties and municipalities, including Navajo, Cochise, and Gila Counties, as well as the cities of Pinetop-Lakeside and Showlow, have adapted wildlife feeding ordinances. However, they are specific to the issues regarding bears, coyotes, javelinas, and mountain lions. In 2012, the City of Scottsdale enacted an ordinance prohibiting the feeding of wildlife that is specific to their city parks only and does not encompass other properties, public or private within the city limits.

Community Benefits and Considerations:

The Flagstaff Police Department and the Arizona Game and Fish Department believe that increased education is the key element of this ordinance. It will also deter individuals from feeding wildlife in areas that are impacted by wildlife. The ordinance will be enforced based only on complaints generated by the public.

Community Involvement:

The Flagstaff Police Department and the Arizona Game and Fish Department believe that increased education is the key element of this ordinance. It will also deter individuals from feeding wildlife in areas that are impacted by wildlife. Once again, the ordinance will be enforced based only on complaints generated by the public.

The proposed ordinance and staff summary will be posted in accordance with law, and interested persons are invited to comment at the City Council meetings at which the ordinance will be under consideration.

A public outreach meeting was held on July 22, 2013, at the Flagstaff Police Department and a second public outreach meeting was held on August 12, 2013, at the Arizona Game and Fish Department. The meetings were advertised in the Arizona Daily Sun, The City of Flagstaff web page, the Flagstaff Police Department Facebook page and Twitter.

On July 22, 2013, the first of two public meetings was held. A Power Point presentation was given by Game and Fish Officer Larry Phoenix, and Assistant City Attorney Marianne Sullivan was present to answer legal questions. There were twenty (20) people in attendance with a group of five (5) people who are opposed to the ordinance. Some that are opposed to the ordinance voiced concerns that the City does not need any more ordinances, while at least one individual voiced concerns that the ordinance was specific to the homeowners of Continental Country Club. One individual felt that the feeding of deer and/or elk was not the reason for attracting wildlife, but instead the availability of water in the area. At the conclusion of the meeting the question of whether or not the proposed ordinance could be put to a vote by City residents, rather than decided by the City Council was raised. Four (4) people in attendance voiced support for the ordinance with the remaining eleven (11) not voicing support or opposition.

On August 12, 2013, the second public meeting was held at the Arizona Game and Fish Department. Game and Fish Officer Larry Phoenix gave a Power Point presentation and Assistant City Attorney Marianne Sullivan was again present to answer legal questions. There were twelve (12) people in attendance; seven (7) in attendance were present at the last meeting. Out of the twelve (12) citizens in attendance only two (2) voiced opposition to the ordinance. Four (4) in attendance voiced support, with the remaining six (6) not voicing support or opposition.

Much of the opposition revolved around the information provided by Larry Phoenix. He was continually challenged over the habituation of wildlife to humans, the attraction of wildlife due to intentional feeding and the concentration of wildlife to a specific area, which increases animal to animal contact further spreading disease such as eye and respiratory infections and in many cases rabies. One citizen in opposition stated, "Feeding wildlife is a distraction, habituation to humans is not an issue nor is the concentration of wildlife." This citizen believes that there is no harm in the intentional feeding of wildlife. He adamantly refutes any negative impacts feeding has on wildlife and also refutes any dangers wildlife may pose to humans.

Those that voiced support, all of whom live in Continental Country Club, felt that the City in collaboration with the Arizona Game and Fish Department has a responsibility to not only protect the citizens but also to protect wildlife. One citizen stated, "As a community member who lives in the Country Club area I support the ordinance. The entire City has a responsibility to assist with wildlife issues." This citizen further stated that she would support anything that would "keep wildlife wild. I appreciate the ordinance." Another citizen also stated she lives in the Country Club area and said that her neighbors were feeding deer. What began with six deer has now turned into thirty and the neighbors have since moved. The deer have now become a nuisance on her property.

At the conclusion of the meeting, Marianne Sullivan responded to the question of whether or not the Council had the option of sending the ordinance out to the public for a vote. She advised that the Council did not have that option, and if the ordinance were to be placed on a ballot, there would need to be a

referendum sponsored by a citizen or citizen group. In response, one citizen stated that if the ordinance passed, he would sponsor a referendum to repeal it.

Expanded Options and Alternatives:

Options within the ordinance include all three culpable mental states of intentionally knowingly or recklessly which are defined as follows in A.R.S. Section 13-105 (10)

- “Intentionally” or “with the intent to” means, with respect to a result or to conduct described by a statute defining an offense, that a person's objective is to cause that result or to engage in that conduct.
- “Knowingly” means, with respect to conduct or to a circumstance described by a statute defining an offense, that a person is aware or believes that the person's conduct is of that nature or that the circumstance exists. It does not require any knowledge of the unlawfulness of the act or omission.
- “Recklessly” means, with respect to a result or to a circumstance described by a statute defining an offense, that a person is aware of and consciously disregards a substantial and unjustifiable risk that the result will occur or that the circumstance exists. The risk must be of such nature and degree that disregard of such risk constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation. A person who creates such a risk but who is unaware of such risk solely by reason of voluntary intoxication also acts recklessly with respect to such risk.

Possible penalties include the following:

- A) Petty Offense maximum is three hundred dollars (\$300.00)
- B) Class 3 misdemeanor maximum is five hundred dollars (\$500.00) and thirty (30) days in jail
- C) Class 2 misdemeanor maximum is seven hundred fifty dollars (\$750.00) and four (4) months in jail
- D) Class 1 misdemeanor maximum is two thousand five hundred dollars (\$2,500.00) and six (6) months in jail

Changes requested by Council at First Read were made to the Ordinance including options regarding section 5 of the Exceptions section.

However, for Council's information, some additional changes were made regarding the penalty section. Specifically, the following language was added: "plus any other penalties, assessments or surcharges authorized by law." This language is standard language that is recommended to ensure any required court fines and fees may also be assessed by the court upon a conviction under this section. In addition, language spelling out the parameters of the class 3 misdemeanor fines and punishments was removed in the event the State law changes the penalties regarding misdemeanor offenses. With this change, the ordinance would not have to be revised at a later date or multiple times.

Attachments: [Wildlife Feeding Ord.](#)
 [Ord. 2013-20](#)
 [PowerPoint Presentation](#)

Form Review

Inbox	Reviewed By	Date
Legal Assistant	Vicki Baker	08/14/2013 01:12 PM
Police Chief	Vicki Baker	08/14/2013 01:12 PM
Legal Assistant	Vicki Baker	08/14/2013 01:13 PM
Assistant City Attorney-Prosecution	Marianne Sullivan	08/15/2013 05:00 PM
Police Chief	Kevin Treadway	08/16/2013 10:25 AM
DCM - Josh Copley	Josh Copley	08/16/2013 10:45 AM
Assistant City Attorney-Prosecution	Marianne Sullivan	09/05/2013 06:54 PM
DCM - Jerene Watson	Jerene Watson	09/06/2013 11:10 AM

**Wildlife Feeding Ordinances: Navajo, Cochise, Gila
Counties and the Cities of Scottsdale, Show Low and
Pinetop-Lakeside**

**ARS 13-2927: Feeding Law for Maricopa and Pima
Counties**

**Ordinance No. 04-10****An Ordinance of the Navajo County Board of Supervisors, Amending the Navajo County Animal Control Ordinance, Ordinance No. 02-06, by Adding a New Article 4 Concerning Remedial Actions to Avoid Contact between Humans and Bears, Coyotes or Javelinas**

WHEREAS, the Navajo County Animal Control Ordinance, Ordinance No. 02-06, comprehensively regulates the keeping of dogs and other animals in the unincorporated areas of Navajo County; and

WHEREAS, in the interest of public safety, and specifically in the interest of minimizing contact between humans and potentially dangerous species of wildlife, numerous jurisdictions across the United States have adopted regulations prohibiting conduct that tends to attract dangerous species in inhabited areas; and

WHEREAS, the Arizona Game and Fish Department has encouraged local jurisdictions to adopt similar regulations to minimize potentially dangerous contacts between humans and wildlife; and

WHEREAS, the Board of Supervisors has been informed of potentially dangerous contacts occurring in Navajo County as the result of carelessness in regard to the placement or storage of trash, food and other items that tend to attract dangerous species,

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors that the Animal Control Ordinance is hereby amended by the insertion of the following new Article 4, with the current Article 4 (Penalties and Enforcement) being renumbered as Article 5:

Article 4 – Remedial Actions to Avoid Contact between Humans and Certain Dangerous Species

It shall be unlawful for any person to fail to take remedial action to avoid contact between humans and bears, coyotes or javelinas after having been notified by the Code Enforcement Agent, an officer of the Arizona Game and Fish Department or any peace officer that bears, coyotes or javelinas are in the area and that remedial action should be taken. Such notice may be oral or written. Remedial action shall take the form prescribed by the official giving such notice and may include without limitation actions to secure or remove outdoor trash, cooking grills, pet food, bird feeders and any other food source or attractant likely to attract

bears, coyotes or javelinas. In addition, it shall be unlawful for any person, after an initial contact or conflict with a bear, coyote or javelina on property owned or occupied by the person (including a sighting of a bear, coyote or javelina on or in close proximity to the property) to fail to take prompt remedial action to secure or remove outdoor trash, cooking grills, pet food, bird feeders and any other food source or attractant likely to attract bears, coyotes or javelinas. The obligation to take remedial action under this Article shall continue for the period prescribed by the official giving notice or for a period of not less than 30 days after the initial contact or conflict, as the case may be.

PASSED AND ADOPTED by the Navajo County Board of Supervisors on May 11, 2010.

Navajo County Board of Supervisors

By Jesse Thompson
Jesse Thompson
Chairman

ATTEST:

Melissa W. Buckley
Melissa W. Buckley, Clerk of the Board

Board of Supervisors

Richard R. Searle
Chairman
District 3

Patrick G. Call
Vice-Chairman
District 1

Paul Newman
District 2



Michael J. Ortega
County Administrator

James E. Vlahovich
Deputy County Administrator

Katie A. Howard
Clerk

RESOLUTION 08-16

A RESOLUTION OF THE COCHISE COUNTY BOARD OF SUPERVISORS ADOPTING AN ORDINANCE REGULATING CONTACT BETWEEN WILDLIFE AND HUMANS WITHIN COCHISE COUNTY IN AN EFFORT TO PROTECT THE WELFARE AND SAFETY OF THE PUBLIC

WHEREAS, by Arizona Revised Statutes Title 17, the Arizona Game and Fish Commission is established and tasked with the responsibility to manage wildlife in Arizona; and

WHEREAS, the Board of Supervisors, pursuant to A.R.S. § 11-251.31, may make and enforce all local, police and sanitary regulations not in conflict with general law; and the issue of humans feeding wildlife and leaving human food and garbage available for wildlife has created and continues to create public safety concerns; and

WHEREAS, the frequency of wildlife/human public safety conflicts within Cochise County are escalating and pose a potential threat to the welfare and safety of the public; and

WHEREAS, the attraction of javelina, a primary prey animal for mountain lions, tends to attract mountain lions into the communities where these animals are being fed, and mountain lions are predators that have harmed humans in our state in the past by predatory attacks; and

WHEREAS, the Board of Supervisors has determined that the intentional, careless, negligent or reckless placing, storing or discarding of garbage, refuse, human and animal food or edibles contributes to the frequency of potentially dangerous contacts between humans and wildlife such as bears, coyotes, and mountain lions,

NOW, THEREFORE, BE IT RESOLVED that the Cochise County Board of Supervisors hereby adopts the Ordinance regulating contact between Wildlife and Humans Within Cochise County in form and substance as attached hereto. Said Ordinance shall become effective thirty (30) days after the date hereof.

Board of Supervisors

Richard R. Searle
Chairman
District 3

Patrick G. Call
Vice-Chairman
District 1

Paul Newman
District 2



Michael J. Ortega
County Administrator

James E. Vlahovich
Deputy County Administrator

Katie A. Howard
Clerk

ORDINANCE NO. 36-08

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF COCHISE COUNTY, ARIZONA, WHICH REGULATES CONTACT BETWEEN WILDLIFE AND HUMANS WITHIN COCHISE COUNTY IN AN EFFORT TO PROTECT THE WELFARE AND SAFETY OF THE PUBLIC

WHEREAS, by Arizona Revised Statutes Title 17, the Arizona Game and Fish Commission is established and tasked with the responsibility to manage wildlife in Arizona; and

WHEREAS, the Board of Supervisors, pursuant to A.R.S. § 11-251.31, may make and enforce all local, police and sanitary regulations not in conflict with general law; and the issue of humans feeding wildlife and leaving human food and garbage available for wildlife has created and continues to create public safety concerns; and

WHEREAS, the frequency of wildlife/human public safety conflicts within Cochise County are escalating and pose a potential threat to the welfare and safety of the public; and

WHEREAS, the attraction of javelina, a primary prey animal for mountain lions, tends to attract mountain lions into the communities where these animals are being fed, and mountain lions are predators that have harmed humans in our state in the past by predatory attacks; and

WHEREAS, the Board of Supervisors has determined that the intentional, careless, negligent or reckless placing, storing or discarding of garbage, refuse, human and animal food or edibles contributes to the frequency of potentially dangerous contacts between humans and wildlife such as bears, coyotes, and mountain lions,

NOW, THEREFORE, BE IT ORDAINED that the Cochise County Board of Supervisors supports the enforcement of regulations for feeding certain wildlife, as follows:

Section 1. Wildlife feeding regulations

Subsections:

- 1.01 Feeding or attracting bears, javelina, coyotes and mountain lions prohibited
- 1.02 Definitions
- 1.03 Applicability
- 1.04 Exceptions
- 1.05 Enforcement

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ORDINANCE NO. 36-08

Page 3

First offense: The violator is provided information about the ordinance and the public safety hazards associated with feeding or attracting wildlife and given a verbal warning.

Second offense: The violator is issued a citation for violating this section of the Cochise County Ordinance.


1.06 Separate offenses.

Each violation (after a first offense) pursuant to this section shall constitute a separate offense and each day a violation remains unabated may constitute a separate offense.

1.07 Penalty.

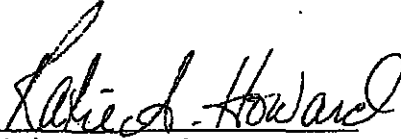
Pursuant to A.R.S. § 11-251.05A.2, a violation of this section constitutes a Class 1 misdemeanor and is punishable by a fine of not more than \$2,500, 6 months in jail, 3 years of probation, or any combination thereof.

PASSED AND ADOPTED by the Cochise County Board of Supervisors this 15th day of January, 2008. Effective date of the Ordinance shall be thirty (30) days, hereafter.



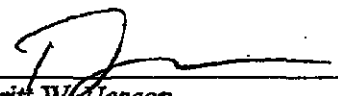
Richard Searle, Chairman
Cochise County Board of Supervisors

ATTEST:



Katie A. Howard,
Clerk of the Board


APPROVED AS TO FORM:



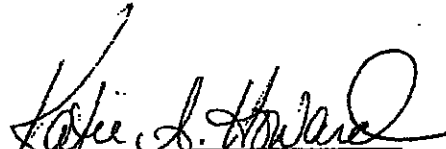
Britt W. Hanson,
Chief Civil Deputy

080101719

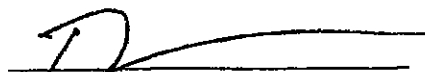
APPROVED AND ADOPTED in Formal Session this 15th day of January, 2008


Richard Searle, Chairman
Cochise County Board of Supervisors

ATTEST:


Katie A. Howard,
Clerk of the Board

APPROVED AS TO FORM:


Britt Hanson,
Deputy County Attorney



FEE # 080101719
OFFICIAL RECORDS
COCHISE COUNTY
DATE 01/22/08 HOUR 4
REQUEST OF
COCHISE COUNTY BOARD OF SUPV
CHRISTINE RHODES-RECORDER
FEE : PAGES : 5

080101719

After recording, please deliver to: Marian Sheppard, BOS

ORDINANCE

No. 01-1

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF GILA COUNTY, ARIZONA, WHICH REGULATES CONTACT BETWEEN BEARS AND HUMANS WITHIN UNINCORPORATED GILA COUNTY IN AN EFFORT TO PROTECT THE WELFARE AND SAFETY OF THE PUBLIC AND OF THE BEARS.



WHEREAS, the Board of Supervisors, pursuant to A.R.S. §11-251 and §11-251.05, may make and enforce all local, police and sanitary regulations not in conflict with general law; and

WHEREAS, the frequency of bear/human contacts within unincorporated Gila County are escalating and pose a potential threat to the welfare and safety of the public and to the welfare and safety of the bears; and

WHEREAS, the Board of Supervisors has determined that the intentional, careless, negligent or reckless placing, storing or discarding of garbage, refuse, human and animal food or edibles contributes to the frequency of bear/human contacts.

NOW, THEREFORE, BE IT ORDAINED that the Gila County Board of Supervisors supports the enforcement of regulations for bear/human contacts, as follows:

SECTION 1. Bear regulations

Subsections:

- 1.01 Definitions
- 1.02 Feeding or attracting bears prohibited
- 1.03 Applicability
- 1.04 Exceptions
- 1.05 Enforcement
- 1.06 Separate offenses
- 1.07 Penalty

1.01 Definitions

- A. "Feeding" is defined as the intentional placing of water, animal or human food, or edibles to a bear or bears.

1.06 Separate offenses

1.07 Penalty

1.01 Feeding or attracting bears, javelina, coyotes and mountain lions prohibited.

It is unlawful for any person to intentionally feed bears, javelina, coyotes or mountain lions, or to attract them by intentionally, negligently or recklessly placing water, garbage, refuse, human or animal food, or edibles in a place that is physically accessible to such wildlife.

1.02 Definitions.

- A. "Feeding" is defined as the intentional provision of water, animal or human food, animal carcasses, or edibles to wildlife.
- B. "Attracting" is defined as placing water, animal or human food, edibles, animal parts or carcasses, garbage, or refuse in an area where a reasonable person would be aware of the potential presence of wildlife.

1.03 Applicability.

This ordinance applies within all unincorporated areas of Cochise County.

1.04 Exceptions.

This ordinance does not apply to:

- A. Public employees or their agents acting within the scope of their authority for public safety or wildlife management purposes.
- B. Feeding or attracting wildlife as permitted by Arizona law and not prohibited by any Arizona Game and Fish Commission Rule or Order.
- C. Food or edibles that are being transported, consumed, or prepared for human consumption.
- D. Garbage or refuse that is being transported to an approved landfill or disposal facility.
- E. Water, food, edibles, garbage, or refuse located in a residence, sealed vehicle or storage building, or in a camping storage unit that is constructed of solid, non-pliable material.
- F. Food, edibles, garbage or refuse suspended at least ten feet above the ground and four feet horizontally from a post, tree trunk or other object on which a bear can climb.
- G. Food, edibles, garbage or refuse stored in a covered and locked container made of sturdy, non-pliable material provided, however, that refrigerators or freezers that are placed outside, even if locked, are not exempt under this ordinance.
- H. Municipal and commercial zoos or Arizona Game and Fish Department licensed wildlife rehabilitation providers.
- I. Provision of feed exclusively for livestock, horses, swine, poultry, or fowl.
- J. Feeders placed to attract birds or other wildlife that do not pose a public safety issue, nor attract bears, javelina or coyotes.

1.05 Enforcement.

An animal control officer or any state certified peace officer may issue a citation for the violation of this ordinance subject to the following provisions:

080101719

- B. "Attracting" is defined as placing water, animal or human food, edibles, garbage or refuse in an area where a reasonable person would be aware of the potential presence of bears.

1.02 Feeding or attracting bears prohibited

It is unlawful for any person to intentionally feed a bear or bears, or to attract bears by intentionally, negligently or recklessly placing water, garbage, refuse, human or animal food, or edibles in a place that is physically accessible to bears.

1.03 Applicability

This section applies within all unincorporated areas of Gila County, including, but not limited to, those areas within any Federal Land, or State, or National Park that lie within the geographical boundaries of unincorporated Gila County.

1.04 Exceptions

This ordinance does not apply to:

- A. Public employees acting within the scope of their authority for public safety or wildlife management purposes.
- B. Feeding or attracting bears as permitted by Arizona law and the Arizona Game and Fish Commission.
- C. Food or edibles that are being transported, consumed or prepared for consumption.
- D. Garbage or refuse that is being transported.
- E. Water, food, edibles, garbage or refuse located in a residence, sealed vehicle or storage building, or in a camping unit that is constructed of solid, non-pliable material.
- F. Food edibles, garbage or refuse suspended at least ten feet above the ground and four feet horizontally from a post, tree trunk or other object on which a bear may climb.
- G. Food, edibles, garbage or refuse stored in a covered and locked container made of sturdy, non-pliable material.
- H. Municipal and commercial zoos.
- I. Provision of feed for livestock, horses, swine, poultry or fowl.

1.05 Enforcement

An animal control officer and any state certified peace officer may issue a citation for the violation of this ordinance.

1.06 Separate offenses

Each violation pursuant to this section shall constitute a separate offense and each day a violation remains unabated may constitute a separate offense.

1.07 Penalty

A violation of this section constitutes a Class I misdemeanor and is punishable by a fine of not less than \$ 500.00, nor more than \$ 2500.00, 6 months in jail, 3 years of probation, or any combination thereof

SECTION 2. That all ordinances and parts of ordinances in conflict with this ordinance be hereby repealed to the extent of such conflict.

SECTION 3. That if any part of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 4. Due to the summer recreation season and the recent bear encounters, this ordinance is enacted as an emergency measure to be effective immediately.

PASSED AND ADOPTED this 10th day of July 2001.

GILA COUNTY BOARD OF SUPERVISORS

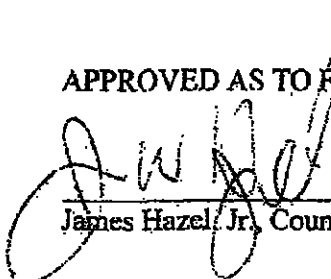



Cruz Salas, Chairman

ATTEST


Steven L. Besich, Clerk

APPROVED AS TO FORM:


James Hazel, Jr., County Attorney

ORDINANCE NO. 4016

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, AMENDING SECTIONS 20-30, 20-31 AND 20-34 OF CHAPTER 20, PARKS, RECREATION AND CULTURAL AFFAIRS, OF THE SCOTTSDALE REVISED CODE, RELATING TO ARTICLE III, GENERAL PARK RULES.

BE IT ORDAINED by the Council of the City of Scottsdale as follows:

Section 1. Section 20-30. Scope, of Chapter 20, Parks, Recreation and Cultural Affairs, is amended as follows:

Sec. 20-30. Scope.

The provisions of this article shall apply to public parks within the city limits, which shall be referred to in this article as *city parks*. This article shall not apply to city parks to which specific provisions of this Code apply, or to public lands within the boundaries of the McDowell Sonoran Desert Preserve. In the event of a conflict between the provisions of this article and any provision of this Code relating to a specific city park, the provisions relating to the specific park shall apply. *General manager*, as used in this article, means the general manager, ~~whose duties include administering the city parks, or the community services department, or the~~ general manager's designee.

Section 2. Section 20-31. General rules for use, of Chapter 20, Parks, Recreation and Cultural Affairs, is amended as follows:

Sec. 20-31. General rules for use.

(a) All persons using city parks shall comply with all federal, state, county and city laws, rules and regulations.

- (b) All persons using city parks shall also comply with the following:
- (1) ~~No deadly weapons are permitted in city parks, except firearms by persons who possess a permit issued pursuant to A.R.S. § 13-3112. A "deadly weapon" as used in this subsection is anything designed for lethal use and it includes firearms and knives with blades longer than three and one half (3 1/2) inches. This subsection shall not apply to special public events or instructional classes being held pursuant to a city permit at which weapons are used for show or demonstration purposes. Reserved.~~
 - (2) No person shall discharge a firearm in a city park, except that blank cartridges may be discharged using a firearm during special events, when authorized by the general manager.
 - (3) No person shall consume spirituous liquor from an open container, or possess spirituous liquor in an open container, in a city park. *Spirituous liquor* includes alcohol, brandy, whiskey, rum, tequila, mescal, gin, wine, porter, ale, beer, any malt liquor or malt beverage, absinthe, a compound or mixture of any of them with any vegetable or other substance, alcohol bitters, bitters containing alcohol,

any liquid mixture or preparation, whether patented or otherwise, which produces intoxication, fruits preserved in ardent spirits, and beverages containing more than one-half of one percent of alcohol by volume. The only exception to this subsection is that beer in an open container may be consumed or possessed pursuant to a permit issued by the city, as provided in section 20-34 of this article.

- (4) All persons fourteen (14) years and older who are fishing in city lakes must be in possession of a valid fishing license and any other license or permit as may be required by law.
- (5) No person shall harm, injure, remove from, or release into any city park any animal, without approval of the general manager. Except as otherwise provided by law, no person shall feed, touch, tease, frighten, hunt, kill, wound, or intentionally disturb wildlife in any city park, without authorization from the general manager. No person shall remove plants, ~~wild animals~~ wildlife or natural materials found in a city park, except the lawful removal of fish from a lake. Wildlife means all undomesticated and feral animals, and includes birds, coyotes, javelinas, feral cats, eggs and nests.
- (6) No motorized vehicles shall be allowed in a city park, except in designated parking areas. This subsection shall not apply to: (i) city employees or others authorized by the city to perform inspection, repair or maintenance work; (ii) persons providing emergency, search and rescue, medical or veterinary services; (iii) the use and operation of a motorized wheelchair by a person who ordinarily uses such equipment (iv) vendors, on park related business, with the permission of authorized city staff.
- (7) The sale of food, beverages or other merchandise is prohibited unless specifically authorized by permit issued by the city.
- (8) Lakes, fountains and other waterways shall not be used for swimming, wading or bathing.
- (9) No person shall throw or deposit any litter, garbage or debris in or upon a city park, or park premises, in violation of sections 18-2 and 18-4(e) of this Code.
- (10) Public boating shall be confined to Chaparral and McKellips Lakes. Watercraft used in public boating must be registered in accordance with state law. *Watercraft*, as defined in A.R.S. § 5-301, means "any boat designed to be propelled by machinery, oars, paddles or wind action upon a sail for navigation on the water". Use of watercraft in public boating in a city park shall be limited, however, to sailboats, rowboats, canoes or boats with electric motors.
- (11) No person shall undertake mechanical repair or maintenance of any vehicle in a city park, including but not limited to automobile oil changes and engine tune-ups, except in the case of an emergency when the vehicle is inoperable. No commercial or professional washing or waxing of vehicles shall be permitted in parks.
- (12) No person shall be in or on park premises at any time other than those times authorized for public use, as provided in section 20-35, below.
- (13) No person shall use any city park facility, or any area in a city park, which has been declared "closed" and which has been so posted by the city, except as authorized in writing by the general manager.
- (14) Horses are prohibited in city parks, except on bridle paths, equestrian trails, or in equestrian areas that are designated by posted notices. This subsection shall not apply to: (i) horses being used by the police department in the course of their official duties; or (ii) public events or classes held pursuant to a city permit.

- (15) Practice golfing is prohibited in city parks, except for public events or classes held pursuant to a city permit.
- (16) Gas powered model airplanes and incendiary model rockets are prohibited. Model boats may be operated only in McKellips Lake and Indian School Park Lake and any other areas that may be designated by the city for such purpose. Model boats may be operated only between the hours of 9:00 a.m. and sunset.
- (17) No person, or person who has custody of a dog, horse or other animal, shall cause or permit damage to any park property, including but not limited to trees, shrubs, plants, turf and landscaping, or digging holes in or removing turf or ground from a city park.
- (18) No open fires are permitted, unless specifically authorized by permits issued by the city and the fire department. Charcoal only may be used in fixed grills provided in city parks and charcoal fires shall be attended at all times.
- (19) No glass, ceramic or easily broken plastic food or beverage containers are permitted in the park.
- (20) No person shall knowingly and intentionally throw, toss, propel, or break any glass object in a city park.
- (21) No person shall participate in archery or willfully, negligently or recklessly discharge, use or propel any object or projectile capable of causing serious physical injury, including but not limited to an air gun, BB gun, pellet gun, dart gun, crossbow, slingshot, blowgun, javelin or spear. "Serious physical injury" includes physical injury which creates a reasonable risk of death, or which causes serious and permanent disfigurement, serious impairment of health or loss or protracted impairment of the function of any bodily organ or limb. This subsection shall not apply to special public events or classes held pursuant to a city permit issued for such activities.
- (22) No person shall tether, launch or land a hot air balloon in a city park, except in the case of emergency, or unless expressly authorized to do so, in writing, by the general manager.
- (23) The owner or person in custody of a dog shall immediately pick up all dog droppings (fecal matter) place them in a closed or sealed container and deposit them in a park trash receptacle or remove them from the park, as provided in subsection 4-18(f) of this Code.
- (24) No person shall throw, deposit or place any commercial or non-commercial handbill in or upon any unattended vehicle parked or located in a city park.
- (25) Smoking is prohibited in any enclosed public place in a city park, as provided in section 19-16 of this Code, except in areas designated for smoking by the general manager.
- (26) All motor vehicles operated in a city park must have current legal registration, display number plates for the current registration year and be operated only by properly licensed drivers.
- (27) A maximum speed of five (5) miles per hour shall be in effect at all times for motor vehicles.

(c) *Person*, as used in this section, includes a corporation, firm, partnership, association, organization and any other group acting as a unit, as well as an individual.

Section 3. Section 20-34. Beer permits, of Chapter 20, Parks, Recreation and Cultural Affairs, is amended as follows:

Sec. 20-34. Beer permits.

(a) No person or members of a group or organization shall consume beer from an open container, or possess an open container of beer, in a city park without first having obtained a permit pursuant to this section. Beer means any beverage obtained by the alcoholic fermentation, infusion or decoction of barley, malt, hops, or other ingredients not drinkable, or any combination of them. A condition of any permit shall be that the person or member of a group subject to the permit shall comply with all state liquor laws. The person to whom the beer permit has been issued must be present for the permit to be valid and the permit must be displayed at the request of any park employee or police officer. A permit is invalid in any park areas where the consumption or possession of beer is prohibited by the city.

(b) Application for a beer permit shall contain the applicant's name, address, telephone number, date of birth and age and the number of persons to which the permit will apply. The applicant shall show proof of age in one of the following forms: (i) an unexpired driver license issued by any of the United States or Canada, provided such license includes a picture of the licensee; (ii) a nonoperating identification license issued by the State of Arizona; (iii) an armed forces identification card; or (iv) a valid unexpired passport. When applying for a permit by phone or other means, the only acceptable form of identification is an unexpired driver license issued by any state or a nonoperating identification license issued by the State of Arizona. The applicant must provide the number and any additional license information to the reservation agent.

(c) ~~An application for a beer permit shall be accompanied by a fee of five dollars (\$5.00). An application for a beer permit shall be accompanied by the current council approved fee.~~ Upon the satisfaction of the terms and conditions of this section, the city shall issue a permit, which shall be valid for one day only, which shall be shown on the permit. A separate permit is required to reserve a park facility.


(d) The beer permit shall be revocable by the city for any violation of this article, any provision of the state liquor laws, or any other condition of the permit. Any person who has had a permit revoked by the city shall not be entitled to apply for another such permit until the expiration of sixty (60) days from the date such revocation occurred.

PASSED AND ADOPTED by the City Council of the City of Scottsdale, Arizona this 15th day of May, 2012.


ATTEST:


Carolyn Jagger, City Clerk

City of Scottsdale, an
Arizona Municipal Corporation


W.J. "Jim" Lane, Mayor

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY


Bruce Washburn, City Attorney
By: Jennifer Pollock, Assistant City Attorney

CITY OF SHOW LOW ORDINANCE NO. 2010-13

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SHOW LOW, ARIZONA, AMENDING SECTION 6-1-14, **WILD ANIMALS**, OF THE SHOW LOW CITY CODE BY ADDING ADDITIONAL LANGUAGE CONCERNING REMEDIAL ACTIONS TO AVOID CONTACT BETWEEN HUMANS AND **BEARS**, COYOTES, JAVELINAS, OR OTHER WILD ANIMALS

Section 1

Section 6-1-14, **Wild animals**, of Chapter 6, *Animals*, under Article 6-1, *Definitions*, of the Show Low City Code shall be amended and renumbered as follows:

(1) Any property owner who fails to take remedial action to avoid contact between humans and bears, coyotes, javelinas, or other wild animals after having been **notified in writing by animal control or any peace officer** is guilty of a civil violation. Remedial action may include, without limitation, actions to secure or remove outdoor trash and any other food source or attractant likely to attract bears, coyotes, javelinas, or other wild animals.

(2) Any property owner who knowingly or purposely leaves garbage, refuse, debris, or any other attractant outside in order to attract bears, coyotes, javelinas, or other wild animals shall be guilty of a civil violation.

(3) Exhibitions or parades of wild animals may be conducted only upon securing a permit from the city unless the exhibition or parade is conducted by another government agency or adequately covered under another city permit.

OFFICER:

DATE:

NAME:

ADDRESS:

REMEDIAL ACTION:

PINETOP-LAKESIDE CITY ORDINANCE

Chapter 6.04 ANIMAL CONTROL

6.04.290 Wild animals.

- A. An individual and/or property owner who leaves garbage, refuse, or debris outside that results in attracting bears, coyotes, javelinas, or other similar wild animals shall be given a verbal or written warning advising them that a second violation will result in a civil citation.
- B. An individual and/or property owner who fails to take remedial action to avoid contact between humans and bears, coyotes, javelinas, or other similar wild animals after having been notified by Animal Control or any peace officer is guilty of a civil violation. Remedial action may include, without limitation, actions to secure or remove outdoor trash and any other food source or attractant likely to attract bears, coyotes, javelinas, or other similar wild animals.
- C. Exhibitions or parades of wild animals may be conducted only upon securing a permit from the Town unless the exhibition or parade is conducted by another government agency or is adequately covered under another Town permit. (Ord. 10-343 § 2)
-

OFFICER:

DATE:

NAME:

ADDRESS:

REMEDIAL ACTION:

Pima and Maricopa Counties

13-2927. Unlawful feeding of wildlife; classification

A. A person commits unlawful feeding of wildlife by intentionally, knowingly or recklessly feeding, attracting or otherwise enticing wildlife into an area, except for:

1. Persons lawfully taking or holding wildlife pursuant to title 17 or pursuant to rules or orders of the Arizona game and fish commission.
2. Public employees or authorized agents acting within the scope of their authority for public safety or for wildlife management purposes.
3. Normal agricultural or livestock operational practices.
4. Tree squirrels or birds.

B. This section applies in a county with a population of more than two hundred eighty thousand persons.

C. Unlawful feeding of wildlife is a petty offense.

ORDINANCE NO. 2013-20

AN ORDINANCE AMENDING TITLE 6, POLICE REGULATIONS, CHAPTER 6-01, GENERAL OFFENSES, BY ADDING SECTION 6-01-001-0023 PROHIBITING THE FEEDING OF WILDLIFE WITHIN FLAGSTAFF CITY LIMITS; PROVIDING FOR PENALTIES, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, feeding wildlife may attract uncontrollable numbers of animals which may result in damage to property and irritation to surrounding property owners; and

WHEREAS, uneaten food may attract rodents, insects and other pests, thereby increasing the potential for transmittal of disease to other animals and humans; and

WHEREAS, providing wildlife with an artificial supply of food may lead to the production of animal families larger than the natural food supply can support; and

WHEREAS, feeding wildlife may cause wildlife to lose their natural fear of humans, thereby increasing the risk of injury from wild animals.

ENACTMENTS:

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:

SECTION 1. In General

The Flagstaff City Code, Title 6, Chapter 6-01, General Offenses is hereby amended by adding the following section:

SECTION 6-01-001-0023 OUTDOOR FEEDING AND PROTECTION OF WILDLIFE

A. Definitions. In this Section unless the Context otherwise requires:

1. "Feeding" or "to feed" means placing edible material in a location where it can be consumed by wildlife.
2. "Attracting" or "to attract" means placing edible material in a location likely to entice wildlife to the source of the edible material.

3. "Edible material" means any human or animal food, food by-product, salt organic material, refuse, garbage or water.
4. "Wildlife" means all wild mammals and/or wild birds.
5. "Public employees" means any federal, state, county or city employees.

B. Feeding or attracting wildlife prohibited

It is unlawful for any person to intentionally, knowingly or recklessly feed wildlife or to attract wildlife.

C. Applicability

This section applies to all areas within the Flagstaff city limits.

D. Exceptions

This section does not apply to:

1. Public employees, or their authorized agents, acting pursuant to A.R.S. Title 17 or Game and Fish Commission rule or order or acting, within the scope of their authority for public safety or wildlife management purposes.
2. Edible material located in a residence, closed vehicle, fully enclosed storage structure, or in a closed trash container.
3. A person feeding their own horses or domestic animals.
4. Seeds, nectar, and other material for birds or squirrels placed specifically for attracting wild birds and/or tree squirrels in a closed top container placed at least four (4) feet above the ground.

5. OPTION (1)

Growing plants or parts of growing plants, including parts of the growing plants that have dropped directly from those plants.

OPTION (2)

Growing plants or parts of growing plants, including gardens and fruit bearing trees or plants and the parts of those plants that may have fallen to the ground from those plants.

OPTION (3)

Strike entire section

6. Compost piles that are fully contained and made inaccessible to wildlife.

E. Limitations to Exceptions

The exceptions do not apply to any person who knows or has reason to know that an activity is attracting wildlife other than birds or tree squirrels. To avoid a violation, a person shall modify placement of any edible material, immediately cease the activity, or take such actions as the situation may require.

F. Enforcement

An Arizona Game and Fish officer, animal control officer or any state certified peace officer may issue a written warning or citation for the violation of this section.

G. Separate Offenses

Each violation pursuant to this section shall constitute a separate offense and each day a violation remains unabated may constitute a separate offense.

H. Penalties

1. Upon a first violation of this section, an officer shall issue a written warning and provide the person with wildlife educational materials.
2. If there is a violation of this section within ninety (90) days from the date a warning was issued, the new violation is a petty offense punishable by a fine not to exceed one hundred and fifty dollars (150.00), plus any other penalties assessments or surcharges authorized by law.
3. If there is a violation of this section and the person has previously been convicted within ninety (90) days of violating this section it is a petty offense punishable by a fine not less than one hundred and fifty dollars (\$150.00) and not more than three hundred dollars (\$300.00) , plus any other penalties assessments or surcharges authorized by law.
4. If there is a violation of this section and the person has previously been convicted two or more times within one hundred and eighty (180) days of violating this section, it is a class three misdemeanor, plus any other penalties assessments or surcharges authorized by law.

SECTION 2. Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent decision, such decision shall not affect the validity of the remaining portions thereof.

SECTION 3. Clerical Corrections.

The City Clerk is hereby authorized to correct typographical and grammatical errors, as well as errors of wording and punctuation, as necessary, related to this ordinance as amended herein, and to make formatting changes needed for purposes of clarity and form or consistency within thirty (30) days following adoption by the City Council.

SECTION 4. Effective Date.

This ordinance shall become effective thirty (30) days following adoption by the City Council.

PASSED AND ADOPTED by the City Council and approved by the Mayor of the City of Flagstaff this 17th of September, 2013.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

Outdoor Feeding and Protection of Wildlife Ordinance



Presented by:
Arizona Game and Fish Department
Flagstaff Police Department



Outdoor Feeding and Protection of Wildlife Ordinance

- What we will cover:
 - Public outreach
 - Why an ordinance?
 - Proposed Outdoor Feeding and Protection of Wildlife Ordinance (2013-20)
 - Questions?



Outdoor Feeding and Protection of Wildlife Ordinance

- The Game and Fish Dept.
- Flagstaff Police Dept.
- City of Flagstaff
- Proactive approach to address:
 - Public concerns
 - Public safety
 - Welfare and safety of wildlife



Public Outreach

- Held two public outreach meetings
 - Monday, July 22, 2013
 - Monday, August 12, 2013
 - Arizona Daily Sun (Article after each meeting)
 - City of Flagstaff web page
 - Flagstaff Police Department Facebook page and Twitter



Why an Ordinance?

- Arizona Game and Fish Dept. are responsible for the management of the wildlife within the state
- Keep “Wildlife Wild”
- Intentional or Unintentional feeding causes changes in the natural behavior of wildlife
 - Habituated to humans
 - Dependent on humans
 - Less wary and lose their natural fear of humans
 - Become dangerous
 - Unpredictable
 - Aggressive



Why an Ordinance?

- Feeding
 - Creates unnatural crowding
 - Often attracts predators
- Feeding wildlife exposes them to
 - Harassment and/or attacks from our pets
 - The pets usually loose!
- In all cases both people and the wildlife are effected



Why an Ordinance?

- Food being fed to wildlife is usually not formulated for consumption by wildlife – alfalfa
- Wildlife need to depend on THEIR own ability to find and utilize natural foods
- Wildlife that are fed become a nuisances and may have to be removed from area and killed

A fed _____ is a dead _____!



Disease Problems

- Feeding will artificially concentrate wildlife
- Increases animal to animal contact
- Further spreading disease and parasites



What are your neighbors doing?



- One person feeding usually creates problems for the surrounding neighbors.
- Wildlife do not understand fence lines or property boundaries.

Other Ordinances/Laws

- Navajo County – Ordinance w/in the unincorporated portions of the county
- Cochise County – Ordinance w/in the unincorporated portions of the county
- Gila County – Ordinance w/in the unincorporated portions of the county
- Pinetop/Lakeside – City Ordinance
- Show Low – City Ordinance
- Scottsdale City – Ordinance related to City Parks
- Maricopa, Pima, & Pinal Counties – State law: ARS 13-2927
280,000 population

The Ordinance

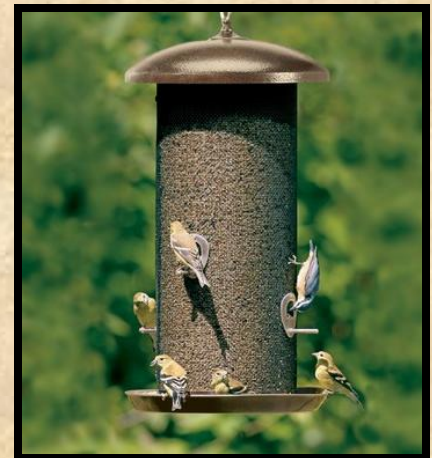
- This is that next step to proactive management of wildlife
- The ordinance will regulate the intentional feeding of wildlife in an effort to protect the welfare and safety of the public and the wildlife
- Unlawful for any person to knowingly (intentionally, recklessly) feed or attract wildlife
- Within Flagstaff city limits



The Ordinance

There are several exceptions within the ordinance which includes:

- Seeds, nectar and other material for birds and squirrels placed specifically for attracting wild birds and/or tree squirrels in a closed top container placed at least 4 feet above the ground
- Edible materials located in a residence, closed vehicle, fully enclosed storage structure, or in a closed trash container
- A person feeding their own horses or domestic animals



The Ordinance

Exceptions con't:

- Growing plants or parts of growing plants if attempts are made to frequently remove attractants such as dropped or ripened fruits, vegetables, grains of nuts
- Compost piles that are fully contained and made inaccessible to wildlife
- Public authorities doing regular duties



The Ordinance

- The exceptions do not apply to any person who knows or has reason to know that an activity is attracting wildlife other than birds or tree squirrels.
- To avoid a violation, a person shall modify placement of any edible material, immediately cease the activity, or take such actions as the situation may require.
- The ordinance addresses blatant feeding of wildlife except birds and tree squirrels.



Enforcement Actions

- There have been four people cited in Arizona for feeding wildlife after all other measures were taken to convince them to stop
- Two people cited in Pima County
 - The first was a woman that was feeding bears (Before the statewide no feeding law)
 - The second was a woman that was feeding Ravens dog food
- Two people cited in Maricopa County for feeding javelina
 - One person was cited for feeding javelina dog food. Nine javelina had to be euthanized because they became habituated and aggressive.
 - One person was cited for feeding javelina restaurant scraps
 - A third person is under investigation for feeding javelina

Enforcement Actions

- This ordinance will be enforced based on complaints generated from the public
- Officers will not be out patrolling neighborhoods
- There must be contact by an officer
- Game and Fish personnel regularly contact people who are feeding wildlife. In most situations the individuals don't realize the real problem and stop after hearing that feeding wildlife is not the right thing to do.



Enforcement Actions

- First violation: An officer will issue a written warning and provide wildlife educational materials. There will be a discussion regarding the type of feeding the person is doing including recommendations. The person will receive a follow-up letter from the Game and Fish Dept. outlining the situation.



Enforcement Actions

- Second violation w/in 60 days: The new violation is a petty offense punishable by a fine not to exceed \$150.00.



Enforcement Actions

- Third violation where the person was previously convicted w/in 90 days: The new violation is a petty offense punishable by a fine not less than \$150.00 and not more than \$300.00.



Enforcement Actions

- Fourth violation where the person was convicted two or more times w/in 180 days: The new violation is a class 3 misdemeanor punishable by a fine not more than \$750.00 and 30 days in jail.



Questions?



CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To: The Honorable Mayor and Council

From: Stephanie Smith, Executive Assistant to City Manager

Date: 09/05/2013

Meeting Date: 09/17/2013



TITLE

City Manager Excellence Awards.

RECOMMENDED ACTION:

Discussion only

INFORMATION

The City Manager will announce the employee and employee team recipients of the 2012-2013 City Manager Excellence Awards. These awards are the City's annual awards to recognize outstanding employees for their contributions to the organization and the community. These awards are built around the 5 values of our organization – Teamwork, Accountability, Communication, Quality and Leadership. The award ceremony will be followed by a reception in the lobby.

Attachments:

Form Review

Inbox	Reviewed By	Date
Legal Assistant	Elizabeth A. Burke	09/05/2013 08:56 AM
DCM - Jerene Watson	Elizabeth A. Burke	09/05/2013 08:57 AM
Form Started By: Stephanie Smith		Started On: 09/05/2013 08:51 AM
	Final Approval Date: 09/05/2013	

CITY OF FLAGSTAFF
STAFF SUMMARY REPORT

To: The Honorable Mayor and Council
From: Neil Gullickson, Planning Development Manager
Date: 08/19/2013
Meeting Date: 09/17/2013



TITLE:

Consideration and Approval of Preliminary Plat: True Life Communities PS AZ for The Estates at Pine Canyon, Unit 5 subdivision, a forty-seven lot, single-family, detached residential subdivision. The site is 29.946 acres in size and is located at 3851 South Clubhouse Circle in the Pine Canyon Development. The site is zoned R1, Single-Family Residential Zone.

RECOMMENDED ACTION:

The Planning and Zoning Commission recommends approving the Preliminary Plat.

Policy Decision or Reason for Action:

The Planning and Zoning Commission shall base a recommendation, and the City Council shall find the proposed Preliminary-Plat meets the requirements of the City of Flagstaff Zoning Code, Title 11, General Plans and Subdivisions and the City of Flagstaff, Engineering Design and Construction Standards and Specifications for New Infrastructure.

Financial Impact:

No financial liabilities to the City are anticipated by the approval of this preliminary plat.

Connection to Council Goal:

Retain, expand, and diversify economic base.

Has There Been Previous Council Decision on This:

In June of 2000, the Council approved a rezoning request and development agreement (DA) for the Pine Canyon development. Subsequently many plats for Pine Canyon have been approved. Additionally, the DA has expired and the City is currently negotiating a new term for the DA and addressing a few remaining issues.

Options and Alternatives:

1. Approve the plat as recommended by the Planning and Zoning Commission.
2. Approve the plat subject to no conditions, additional conditions, or modified conditions.
3. Deny approval of the plat based on non-compliance with the zoning code and/or the Flagstaff Engineering Design and Construction Standards and Specifications for New Infrastructure.

Background/History:

The applicant, True Life Communities, is requesting preliminary plat approval to permit a forty-seven lot, single-family, detached residential subdivision on 29.5 acres. The subdivision is a re-subdivision of tracts 6 and 7 and portions of tracts B, E and F of the Estates at Pine Canyon Unit One. The lots range in size from roughly 14,000 sq ft to 33,000 sq ft with the exception of lot 332 which is considerably larger at 70,101 sq ft. A single-family home is expected to be located on each of these lots. The zoning code will also allow accessory structures and an accessory dwelling unit on each lot.

The Pine Canyon development is located along the south edge of John Wesley Powell Boulevard (JWP) and is accessed from Lake Mary Road via JWP and from the north by Lonetree Road. Pine Canyon functions as a residential subdivision with country club amenities including golf, swimming and a clubhouse. Several different types of residential products are available in the area in addition to single-family residences, townhomes and twin homes are available.

The subdivision proposes a density of 1.6 units per acre. The lot standards for the R1 district include minimum lot size of 6,000 sq ft, 35-foot height limit, 15-foot front building setback, 25-feet to parking, 25-foot rear and 8-foot side setbacks. All of the proposed lots meet the minimum development requirements.

Community Involvement:

The existing site zoning allows the proposed subdivision. No public hearings are required as part of a subdivision plat review. No members of the public commented on this plat at the Planning and Zoning Commission meeting.

Attachments: P-Plat, Unit 5 at PC
 P&Z Report

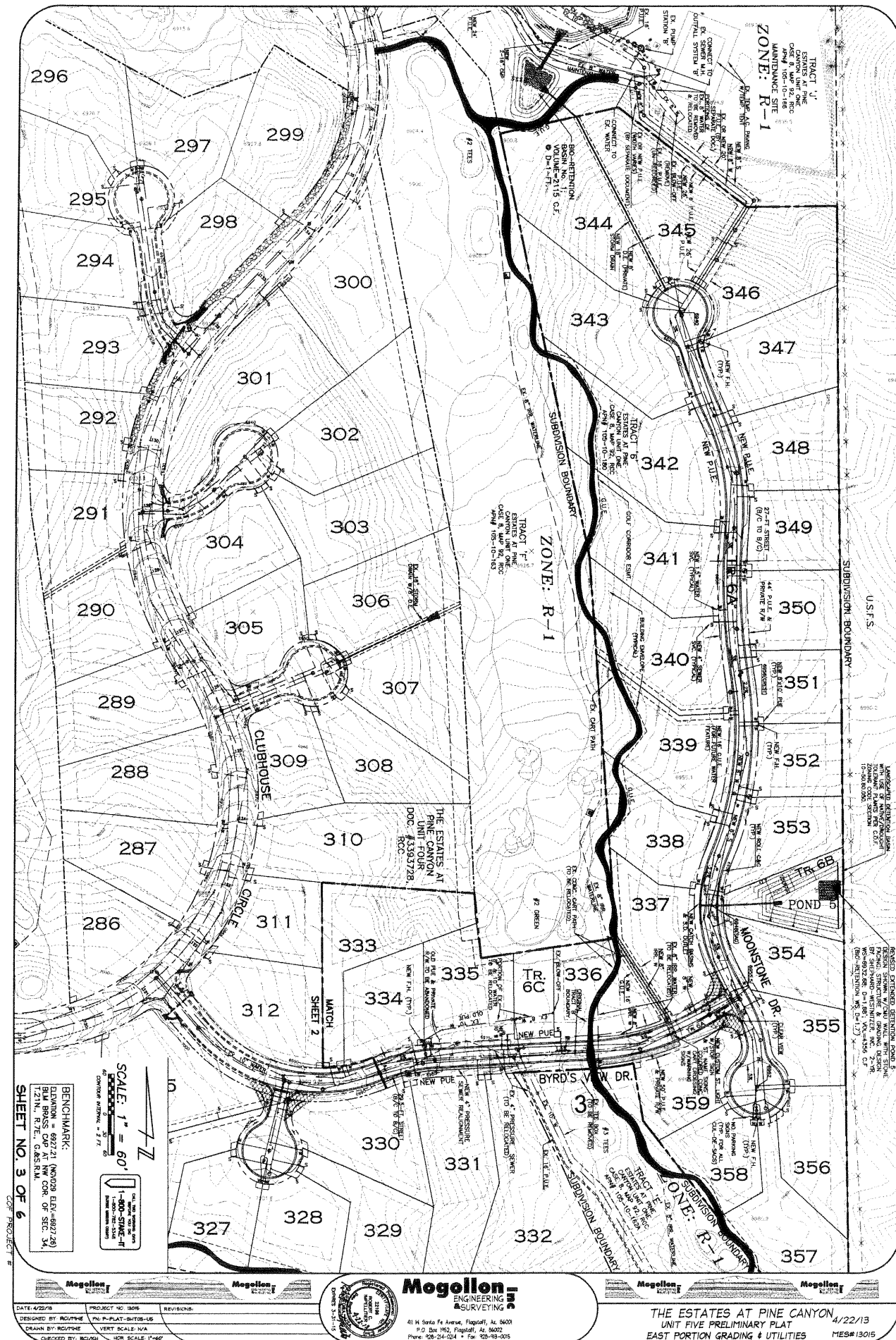
Form Review

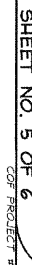
Inbox	Reviewed By	Date
Current Planning Manager	Mark Sawyers	08/23/2013 11:39 AM
Fire Marshal	Kristin Smith	08/23/2013 12:18 PM
Public Works Director	Erik Solberg	08/29/2013 09:33 AM
Utilites Director	Brad Hill	08/30/2013 03:03 PM
Real Estate Manager	Elizabeth A. Burke	08/30/2013 03:16 PM
Planning Director	Jim Cronk	09/03/2013 05:14 PM
Planning Development Manager - NG (Originator)	Neil Gullickson	09/04/2013 10:09 AM
Current Planning Manager	Mark Sawyers	09/04/2013 11:24 AM
Fire Marshal	Kristin Smith	09/05/2013 08:50 AM
Public Works Director	Elizabeth A. Burke	09/05/2013 11:14 AM
Public Works Section Head - Sayers	Rebecca Sayers	09/05/2013 11:18 AM
Utilites Director	Brad Hill	09/05/2013 02:16 PM
Asst. to City Manager - Real Estate	David McIntire	09/05/2013 03:35 PM
Planning Director	Jim Cronk	09/05/2013 03:41 PM
Legal Assistant	Vicki Baker	09/05/2013 03:42 PM
Senior Assistant City Attorney JS	James Speed	09/06/2013 06:27 AM
Community Development Director	Elizabeth A. Burke	09/06/2013 08:04 AM
DCM - Jerene Watson	Jerene Watson	09/06/2013 08:59 AM
Form Started By: Neil Gullickson		Started On: 08/19/2013 08:50 AM
Final Approval Date: 09/06/2013		

LEGEND & ABBREVIATIONS

1" = 100'	PROJECT 1" = 100'
1" = 200'	PROJECT 1" = 200'
1" = 400'	PROJECT 1" = 400'
1" = 800'	PROJECT 1" = 800'
1" = 1600'	PROJECT 1" = 1600'
1" = 3200'	PROJECT 1" = 3200'
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DATA TABLE

LINE	DIRECTION	DEPT. (FT.)	BEAR.	PLAN (FT.)	ANG. (IN. FT.)	ANG. (IN. FT.)
C45	S 28°22'46" E	62.34	272.00	122.82		
C46	S 28°22'46" E	62.34	272.00	122.82		
C47	S 28°22'46" E	62.34	272.00	122.82		
C48	S 28°22'46" E	62.34	272.00	122.82		
C49	S 28°22'46" E	62.34	272.00	122.82		
C50	S 28°22'46" E	62.34	272.00	122.82		
C51	S 28°22'46" E	62.34	272.00	122.82		
C52	S 28°22'46" E	62.34	272.00	122.82		
C53	S 28°22'46" E	62.34	272.00	122.82		
C54	S 28°22'46" E	62.34	272.00	122.82		
C55	S 28°22'46" E	62.34	272.00	122.82		
C56	S 28°22'46" E	62.34	272.00	122.82		
C57	S 28°22'46" E	62.34	272.00	122.82		
C58	S 28°22'46" E	62.34	272.00	122.82		
C59	S 28°22'46" E	62.34	272.00	122.82		
C60	S 28°22'46" E	62.34	272.00	122.82		
C61	S 28°22'46" E	62.34	272.00	122.82		
C62	S 28°22'46" E	62.34	272.00	122.82		
C63	S 28°22'46" E	62.34	272.00	122.82		
C64	S 28°22'46" E	62.34	272.00	122.82		
C65	S 28°22'46" E	62.34	272.00	122.82		
C66	S 28°22'46" E	62.34	272.00	122.82		
C67	S 28°22'46" E	62.34	272.00	122.82		
C68	S 28°22'46" E	62.34	272.00	122.82		
C69	S 28°22'46" E	62.34	272.00	122.82		
C70	S 28°22'46" E	62.34	272.00	122.82		
C71	S 28°22'46" E	62.34	272.00	122.82		
C72	S 28°22'46" E	62.34	272.00	122.82		
C73	S 28°22'46" E	62.34	272.00	122.82		
C74	S 28°22'46" E	62.34	272.00	122.82		
C75	S 28°22'46" E	62.34	272.00	122.82		
C76	S 28°22'46" E	62.34	272.00	122.82		
C77	S 28°22'46" E	62.34	272.00	122.82		
C78	S 28°22'46" E	62.34	272.00	122.82		
C79	S 28°22'46" E	62.34	272.00	122.82		
C80	S 28°22'46" E	62.34	272.00	122.82		
C81	S 28°22'46" E	62.34	272.00	122.82		
C82	S 28°22'46" E	62.34	272.00	122.82		
C83	S 28°22'46" E	62.34	272.00	122.82		
C84	S 28°22'46" E	62.34	272.00	122.82		
C85	S 28°22'46" E	62.34	272.00	122.82		
C86	S 28°22'46" E	62.34	272.00	122.82		
C87	S 28°22'46" E	62.34	272.00	122.82		
C88	S 28°22'46" E	62.34	272.00	122.82		
C89	S 28°22'46" E	62.34	272.00	122.82		
C90	S 28°22'46" E	62.34	272.00	122.82		
C91	S 28°22'46" E	62.34	272.00	122.82		
C92	S 28°22'46" E	62.34	272.00	122.82		
C93	S 28°22'46" E	62.34	272.00	122.82		

TRACT "A"
ESTATES AT PINE CANYON
UNIT THREE

TRACT "B"
ESTATES AT PINE CANYON
UNIT FOUR

TRACT "C"
ESTATES AT PINE CANYON
UNIT ONE

TRACT "D"
ESTATES AT PINE CANYON
UNIT ONE

TRACT "E"
ESTATES AT PINE CANYON
UNIT ONE

TRACT "F"
ESTATES AT PINE CANYON
UNIT ONE

TRACT "G"
ESTATES AT PINE CANYON
UNIT ONE

TRACT "H"
ESTATES AT PINE CANYON
UNIT ONE

TRACT "I"
ESTATES AT PINE CANYON
UNIT ONE

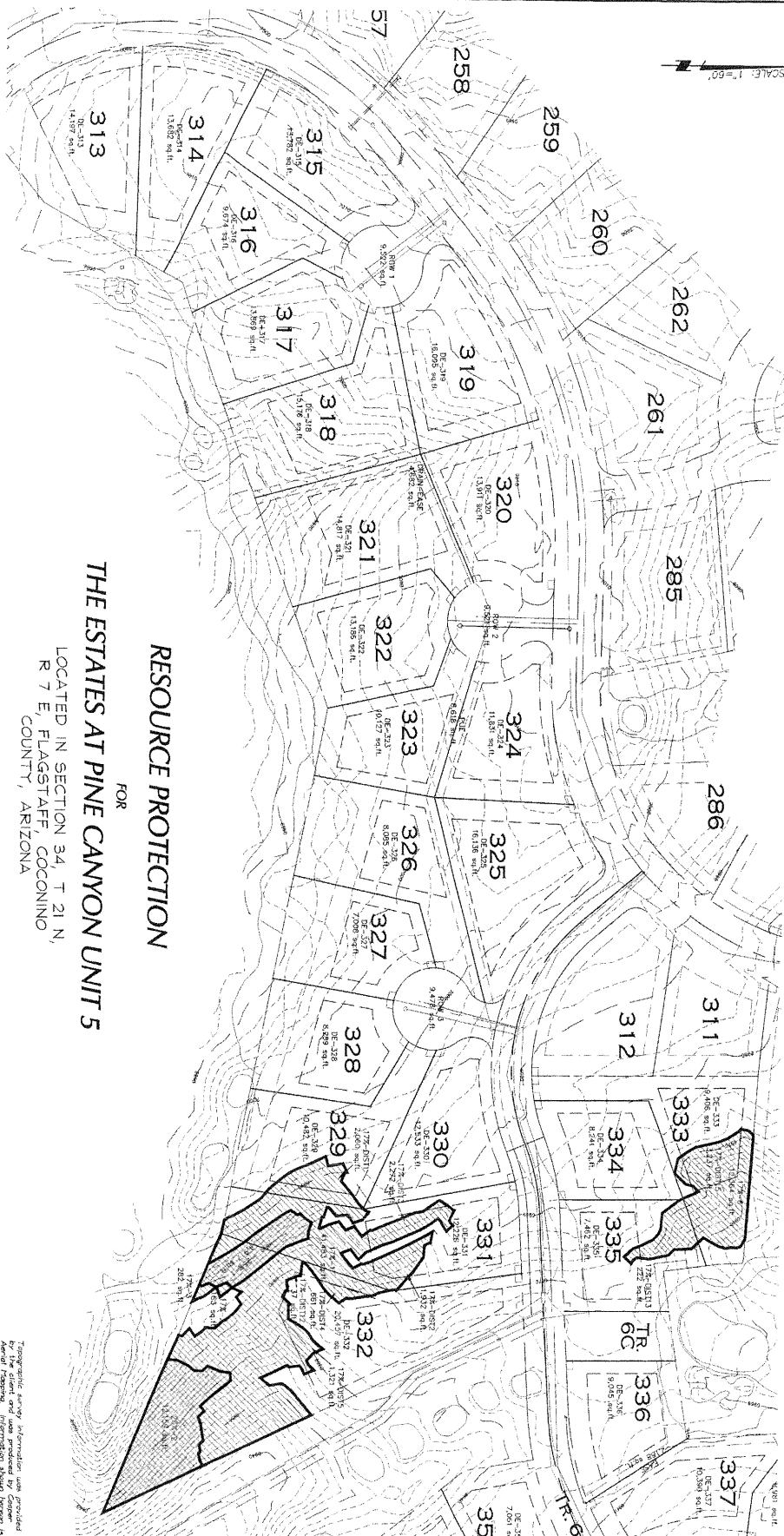
TRACT "J"
ESTATES AT PINE CANYON
UNIT ONE

SCALE 1" = 100'

BENCHMARK
ELEVATION = 5927.21 (MVD 20 11 = 5927.20)
B.M. BRASS CAP AT NW COR. OF SEC. 34,
122 NW 17 T22N, 63S34E

[illegible]

SCALE: 1"=60'



RESOURCE PROTECTION

FOR

THE ESTATES AT PINE CANYON UNIT 5

LOCATED IN SECTION 34, T 21 N,
R 7 E, FLAGSTAFF, COCONINO
COUNTY, ARIZONA

SLOPE RESOURCES
SLOPE EXCESS = 9,112 sq. ft.
TOTAL DISTURBED AREA = 594,463 sq. ft.
TOTAL UNDISTURBED AREA = 571,962 sq. ft.

TREE RESOURCES
TOTAL SITE AREA = 1,166,425 sq. ft. (26.946 ac.)
SLOPE EXCESS = 9,112 sq. ft.
TOTAL DISTURBED AREA = 594,463 sq. ft.
TOTAL UNDISTURBED AREA = 571,962 sq. ft.

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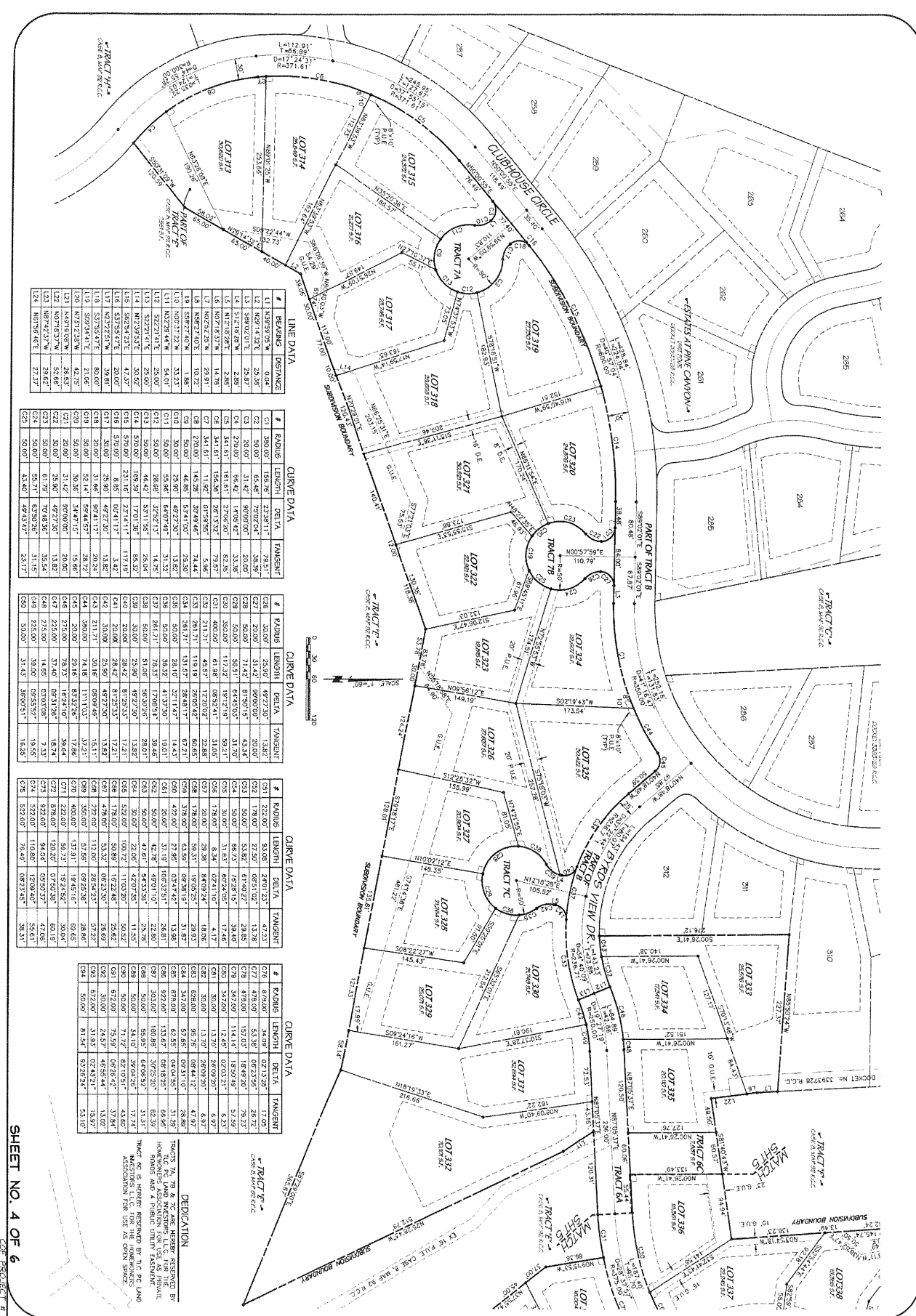
This map was prepared by Mogollon Engineering, Inc. for the client and is not to be used for any other purpose without the written consent of Mogollon Engineering, Inc.



FOR

LOCATED IN SECTION 34, T 21 N
R 7 E, FLAGSTAFF, COCONINO
COUNTY, ARIZONA

TOTAL DISTURBANCE
TOTAL SHE AREA = 304,441 sq. ft. (29.94 ac.)
DISTURBANCE
RIGHT-OF-WAY = 10,672 sq. ft.
DEVELOPMENT = 15,000 sq. ft.
PARKING = 10,000 sq. ft.
BUFFBACK AREA = 441,000 sq. ft.
TOTAL SHE AREA = 670,672 sq. ft.
TOTAL DISTURBANCE = 39,672 sq. ft.
TOTAL DISTURBANCE = 652,072 sq. ft.
THE ABOVE UNDISTURBED AREA = 47,468 sq. ft.
TOTAL UNDISTURBED AREA = 579,900 sq. ft.
TOTAL TREE RESERVE UNDISTURBED AREA =
TOTAL UNDISTURBED = 664,371 sq. ft. (52.442



#	BEARING	DISTANCE
C1	N 89° 59' 32" W	0.04
C2	N 89° 59' 32" W	0.04
C3	N 89° 59' 32" W	0.04
C4	N 89° 59' 32" W	0.04
C5	N 89° 59' 32" W	0.04
C6	N 89° 59' 32" W	0.04
C7	N 89° 59' 32" W	0.04
C8	N 89° 59' 32" W	0.04
C9	N 89° 59' 32" W	0.04
C10	N 89° 59' 32" W	0.04
C11	N 89° 59' 32" W	0.04
C12	N 89° 59' 32" W	0.04
C13	N 89° 59' 32" W	0.04
C14	N 89° 59' 32" W	0.04
C15	N 89° 59' 32" W	0.04
C16	N 89° 59' 32" W	0.04
C17	N 89° 59' 32" W	0.04
C18	N 89° 59' 32" W	0.04
C19	N 89° 59' 32" W	0.04
C20	N 89° 59' 32" W	0.04
C21	N 89° 59' 32" W	0.04
C22	N 89° 59' 32" W	0.04
C23	N 89° 59' 32" W	0.04
C24	N 89° 59' 32" W	0.04
C25	N 89° 59' 32" W	0.04

#	RADIUS	LENGTH	DELTA	TANGENT
C1	380.00	156.46	23.28	78.51
C2	380.00	156.46	23.28	78.51
C3	380.00	156.46	23.28	78.51
C4	380.00	156.46	23.28	78.51
C5	380.00	156.46	23.28	78.51
C6	380.00	156.46	23.28	78.51
C7	380.00	156.46	23.28	78.51
C8	380.00	156.46	23.28	78.51
C9	380.00	156.46	23.28	78.51
C10	380.00	156.46	23.28	78.51
C11	380.00	156.46	23.28	78.51
C12	380.00	156.46	23.28	78.51
C13	380.00	156.46	23.28	78.51
C14	380.00	156.46	23.28	78.51
C15	380.00	156.46	23.28	78.51
C16	380.00	156.46	23.28	78.51
C17	380.00	156.46	23.28	78.51
C18	380.00	156.46	23.28	78.51
C19	380.00	156.46	23.28	78.51
C20	380.00	156.46	23.28	78.51
C21	380.00	156.46	23.28	78.51
C22	380.00	156.46	23.28	78.51
C23	380.00	156.46	23.28	78.51
C24	380.00	156.46	23.28	78.51
C25	380.00	156.46	23.28	78.51

#	RADIUS	LENGTH	DELTA	TANGENT
C26	380.00	156.46	23.28	78.51
C27	380.00	156.46	23.28	78.51
C28	380.00	156.46	23.28	78.51
C29	380.00	156.46	23.28	78.51
C30	380.00	156.46	23.28	78.51
C31	380.00	156.46	23.28	78.51
C32	380.00	156.46	23.28	78.51
C33	380.00	156.46	23.28	78.51
C34	380.00	156.46	23.28	78.51
C35	380.00	156.46	23.28	78.51
C36	380.00	156.46	23.28	78.51
C37	380.00	156.46	23.28	78.51
C38	380.00	156.46	23.28	78.51
C39	380.00	156.46	23.28	78.51
C40	380.00	156.46	23.28	78.51
C41	380.00	156.46	23.28	78.51
C42	380.00	156.46	23.28	78.51
C43	380.00	156.46	23.28	78.51
C44	380.00	156.46	23.28	78.51
C45	380.00	156.46	23.28	78.51
C46	380.00	156.46	23.28	78.51
C47	380.00	156.46	23.28	78.51
C48	380.00	156.46	23.28	78.51
C49	380.00	156.46	23.28	78.51
C50	380.00	156.46	23.28	78.51

#	RADIUS	LENGTH	DELTA	TANGENT
C51	380.00	156.46	23.28	78.51
C52	380.00	156.46	23.28	78.51
C53	380.00	156.46	23.28	78.51
C54	380.00	156.46	23.28	78.51
C55	380.00	156.46	23.28	78.51
C56	380.00	156.46	23.28	78.51
C57	380.00	156.46	23.28	78.51
C58	380.00	156.46	23.28	78.51
C59	380.00	156.46	23.28	78.51
C60	380.00	156.46	23.28	78.51
C61	380.00	156.46	23.28	78.51
C62	380.00	156.46	23.28	78.51
C63	380.00	156.46	23.28	78.51
C64	380.00	156.46	23.28	78.51
C65	380.00	156.46	23.28	78.51
C66	380.00	156.46	23.28	78.51
C67	380.00	156.46	23.28	78.51
C68	380.00	156.46	23.28	78.51
C69	380.00	156.46	23.28	78.51
C70	380.00	156.46	23.28	78.51
C71	380.00	156.46	23.28	78.51
C72	380.00	156.46	23.28	78.51
C73	380.00	156.46	23.28	78.51
C74	380.00	156.46	23.28	78.51
C75	380.00	156.46	23.28	78.51

#	RADIUS	LENGTH	DELTA	TANGENT
C76	380.00	156.46	23.28	78.51
C77	380.00	156.46	23.28	78.51
C78	380.00	156.46	23.28	78.51
C79	380.00	156.46	23.28	78.51
C80	380.00	156.46	23.28	78.51
C81	380.00	156.46	23.28	78.51
C82	380.00	156.46	23.28	78.51
C83	380.00	156.46	23.28	78.51
C84	380.00	156.46	23.28	78.51
C85	380.00	156.46	23.28	78.51
C86	380.00	156.46	23.28	78.51
C87	380.00	156.46	23.28	78.51
C88	380.00	156.46	23.28	78.51
C89	380.00	156.46	23.28	78.51
C90	380.00	156.46	23.28	78.51
C91	380.00	156.46	23.28	78.51
C92	380.00	156.46	23.28	78.51
C93	380.00	156.46	23.28	78.51
C94	380.00	156.46	23.28	78.51
C95	380.00	156.46	23.28	78.51
C96	380.00	156.46	23.28	78.51
C97	380.00	156.46	23.28	78.51
C98	380.00	156.46	23.28	78.51
C99	380.00	156.46	23.28	78.51
C100	380.00	156.46	23.28	78.51

TRACT 7A, 7B & 7C ARE HEREBY RESERVED BY THE LAND INVESTORS L.L.C. FOR THE USE OF THE INVESTORS L.L.C. FOR THE PURPOSES OF A FUTURE PUBLIC UTILITY PROJECT. TRACT 7D IS HEREBY RESERVED BY THE LAND INVESTORS L.L.C. FOR THE PURPOSES OF A FUTURE PUBLIC UTILITY PROJECT. TRACT 7E IS HEREBY RESERVED BY THE LAND INVESTORS L.L.C. FOR THE PURPOSES OF A FUTURE PUBLIC UTILITY PROJECT. TRACT 7F IS HEREBY RESERVED BY THE LAND INVESTORS L.L.C. FOR THE PURPOSES OF A FUTURE PUBLIC UTILITY PROJECT. TRACT 7G IS HEREBY RESERVED BY THE LAND INVESTORS L.L.C. FOR THE PURPOSES OF A FUTURE PUBLIC UTILITY PROJECT.

DEDICATION

TRACT 7A, 7B & 7C ARE HEREBY RESERVED BY THE LAND INVESTORS L.L.C. FOR THE PURPOSES OF A FUTURE PUBLIC UTILITY PROJECT. TRACT 7D IS HEREBY RESERVED BY THE LAND INVESTORS L.L.C. FOR THE PURPOSES OF A FUTURE PUBLIC UTILITY PROJECT. TRACT 7E IS HEREBY RESERVED BY THE LAND INVESTORS L.L.C. FOR THE PURPOSES OF A FUTURE PUBLIC UTILITY PROJECT. TRACT 7F IS HEREBY RESERVED BY THE LAND INVESTORS L.L.C. FOR THE PURPOSES OF A FUTURE PUBLIC UTILITY PROJECT. TRACT 7G IS HEREBY RESERVED BY THE LAND INVESTORS L.L.C. FOR THE PURPOSES OF A FUTURE PUBLIC UTILITY PROJECT.

TRACT 7A, 7B & 7C ARE HEREBY RESERVED BY THE LAND INVESTORS L.L.C. FOR THE PURPOSES OF A FUTURE PUBLIC UTILITY PROJECT. TRACT 7D IS HEREBY RESERVED BY THE LAND INVESTORS L.L.C. FOR THE PURPOSES OF A FUTURE PUBLIC UTILITY PROJECT. TRACT 7E IS HEREBY RESERVED BY THE LAND INVESTORS L.L.C. FOR THE PURPOSES OF A FUTURE PUBLIC UTILITY PROJECT. TRACT 7F IS HEREBY RESERVED BY THE LAND INVESTORS L.L.C. FOR THE PURPOSES OF A FUTURE PUBLIC UTILITY PROJECT. TRACT 7G IS HEREBY RESERVED BY THE LAND INVESTORS L.L.C. FOR THE PURPOSES OF A FUTURE PUBLIC UTILITY PROJECT.

**PLANNING AND DEVELOPMENT SERVICES
PRELIMINARY PLAT REPORT**

**PUBLIC HEARING
PC PPPL 13-003**

DATE: August 14, 2013
MEETING DATE: July 30, 2013
REPORT BY: Neil Gullickson

REQUEST:

PC PPPL 13-003, a request for preliminary plat approval by True Life Communities PS AZ for The Estates at Pine Canyon, Unit 5 subdivision, a forty-seven lot, single-family, detached residential subdivision. The site is 29.946 acres in size and is located at 3851 South Clubhouse Circle in the Pine Canyon Development. The site is zoned R1, Single-Family Residential zone.

STAFF RECOMMENDATION:

Staff recommends that the commission forward the preliminary plat to the city council with a recommendation for approval.

PRESENT LAND USE:

Undeveloped land.

PROPOSED LAND USE:

Forty-seven single-family residential lots.

NEIGHBORHOOD DEVELOPMENT:

North: Single-family residential uses, R1 zoning district.
South: Single-family residential uses, R1 zoning district.
East: Undeveloped Coconino National Forest Lands, PLF zoning district
West: Single-family residential uses and golf course, R1 zoning District.

REQUIRED FINDINGS:

The Planning and Zoning Commission shall find the proposed Preliminary-Plat meets the requirements of the City of Flagstaff Zoning Code, Title 11, General Plans and Subdivisions and City of Flagstaff Engineering Design and Construction Standards and Specifications for New Infrastructure.

STAFF REVIEW:

Introduction/Background:

In 1987, the City of Flagstaff annexed 445 acres of land into the city limits in conjunction with a 752 acre development known as Fairway Peaks. The proposed development included 1,433 single-family dwelling units, 150 apartments, undefined commercial uses on 10 acres and an 18-hole golf course/clubhouse and maintenance facility. At the same time, the City amended the *Growth Management Guide 2000* from Urban Reserve to the various land use categories represented today. The property was conditionally rezoned from the RR district to several different residential and commercial districts in 1987. The project proceeded to a

final plat stage in 1989. Final platting was never recorded and the zoning for the proposal lapsed in December 1989.

In June of 2000, the council approved a rezoning request and development agreement allowing the development of 210 condominiums, 125 affordable manufactured housing units, 242 estate twin house units, 524 estate homes, 23,550 sq ft of private clubhouse and recreational facilities, 12,000 sq ft in maintenance and storage facilities, and 220 acres dedicated for an 18-hole golf course with accessory facilities located on roughly 660 acres referred to as "The Estates at Pine Canyon."

At their meeting of August 14, 2007 the Planning and Zoning commission reviewed and approved a tentative plat for the subdivision, the same plat that is being presented today.

An application for final plat for Unit 5 at Pine Canyon was not forwarded to the council for review and the tentative plat approval has lapsed. This application is a resurrection of the process.

The applicant, True Life Communities, is requesting preliminary plat approval to permit a forty-seven lot, single-family, detached residential subdivision on 29.5 acres. The subdivision is a re-subdivision of tracts 6 and 7 and portions of tracts B, E and F of the Estates at Pine Canyon Unit One. The lots range in size from roughly 14,000 sq ft to 33,000 sq ft with the exception of lot 332 which is considerably larger at 70,101 sq ft. A single-family home is expected to be located on each of these lots. The zoning code will also allow accessory structures and an accessory dwelling unit on each lot.

The Pine Canyon development is located along the south edge of John Wesley Powell Boulevard (JWP) and is accessed from Lake Mary Road via JWP and from the north by Lonetree Road. Pine Canyon functions as a residential subdivision with country club amenities including golf, swimming and a clubhouse. Several different types of residential products are available in the area in addition to single-family residences, townhomes and twin homes are available.

The attached location map depicts the location of this subdivision within Pine Canyon Estates.

Flagstaff Area Regional Land Use and Transportation Plan

The *Regional Land Use and Transportation Plan* categorizes this portion of Pine Canyon development in the L, Low Density Residential category and the remaining balance of the property is designated as Open Space/Greenbelt and H, High Density Residential categories. The proposal of 47 units conforms to the L, Low Density Residential, regional land use designation.

ZONING REQUIREMENTS:

The site is zoned R1single-family and has been applied to the area to support and encourage single-family residential development. The development proposes forty-seven home lots.

Single-family homes are exempted by the zoning code from the design review standards and none are proposed to be applied by this plat. However, the home owners association at Pine Canyon does actively enforce internal design concepts.

Density/Intensity/Development Standards

The subdivision proposes a density of 1.6 units per acre. The lot standards for the R1 district include minimum lot size of 6,000 sq ft, 35-foot height limit, 15-foot front building setback, 25-feet to parking, 25-foot rear and 8-foot side setbacks. All of the proposed lots can meet the minimum development requirements.

Natural Resources

The zoning code's resource retention requirements are applicable to the parcels located within the resource protection overlay zone (RPO). The site is located within the RPO, and therefore resource protection requirements have been applied. In accordance with division 10-50.90, Resource Protection Standards, the application meets the slope and forest resource threshold requirements. No flood plain resources are located on the site. The plat has demonstrated that the disturbance allowances for both steep slope categories as well as forest resources have been met.

Open Space

There is no open space (OS) requirement for single-family lots or subdivisions. In this case, open space has been provided on a larger scale through internal trail systems, golf course fairways, connections to national forest lands, and large lots with separated building areas

Landscaping

For this subdivision, the zoning code requires that periphery buffers be provided at a plant rate of one tree per each 25 linear feet, with two shrubs and two ground cover plants per tree. A periphery buffer along the eastern edge of the subdivision adjacent to national forest land has been provided. Staff anticipates that the landscaping requirement will be met with existing forest resources. A final landscape plan per division 10-50.60, page #50.60-1 will be required as part of the public improvement plan submission.

Lighting

The development is located in lighting zone II, which allows 10,000 lumens per residential lot. Four thousand of these lumens can be partially shielded. Lighting compliance will be ensured during the building permit review process.

Building Design

Single-family residences are exempt from the city's building design standards.

SYSTEMS ANALYSIS:

Traffic/Access/Pedestrian/Bicycle

A traffic impact analysis was completed as part of the initial approval of Pine Canyon. No additional traffic analyses were required of the development. Bicycle and pedestrian access are available from the site via existing internal private road and trail system including FUTS connections.

Water System

A new 8-inch water main will be extended from an existing main located in Clubhouse Circle, eastward in Byrd's View Drive to Moonstone Drive. The water main will loop to an existing main at the north end of the subdivision. Individual building services will be provided from the new main.

Wastewater Systems

Similar to the water system, an 8-inch sewer main will be extended from an existing main in Clubhouse Circle, and will provide opportunity for individual sewer taps for each house.

Stormwater Systems

The original Drainage Master Plan for Pine Canyon accounted for the development of Unit 5. As part of the master plan, a detention basin is located in tract 6B of the development.

RECOMMENDATION:

Staff believes that this plat meets the development standards required by the zoning code and by the engineering standards and, as such, recommends that the commission forward the preliminary plat to the city council with a recommendation for approval.

ATTACHMENTS:

- Preliminary Plat Application
- Location Map
- DRB Comment of June 28, 2013
- Preliminary Plat

CITY OF FLAGSTAFF STAFF SUMMARY REPORT

To: The Honorable Mayor and Council
From: Brian Kulina, Planning Development Manager
Date: 08/19/2013
Meeting Date: 09/17/2013



TITLE:

Consideration and Approval of a Preliminary Plat: for Miramonte Homes, Tract B of Presidio in the Pines, a subdivision of 14 single-family, residential townhomes on approximately 1.65 acres located at 2700 S Presidio Drive South, within the Highway Commercial (HC) Zone.

RECOMMENDED ACTION:

The Planning and Zoning Commission recommends the City Council approve the Preliminary Plat subject to the conditions listed in the attached Conditional Use Permit (PCUP13-0004).

Policy Decision or Reason for Action:

The City Council will find the Planning and Zoning Commission recommendation to approve the proposed Preliminary Plat, which meets the requirements of the Zoning Code (City Code Title 10), the Subdivision Code (City Code Title 11), and the Engineering Design Standards and Specifications for New Infrastructure (City Code Title 13).

Financial Impact:

No financial liabilities are anticipated by the approval of this Preliminary Plat.

Connection to Council Goal:

Retain, expand, and diversify economic base

Has There Been Previous Council Decision on This:

On May 18, 2004, the City Council approved Ordinance No. 2004-05 that rezoned approximately 91 acres of property from the Rural Residential (RR) Zone as follows: approximately 77 acres to the High Density Residential (HR) Zone, approximately 1 acre to the Single-Family Residential (R1) Zone (formally known as the Urban Residential (UR) Zone), and approximately 13 acres to the Highway Commercial (HC) Zone (formally known as the Urban Commercial (UC) Zone).

On May 28, 2004, the City Council approved Resolution No. 2004-40 that entered the City into a Development Agreement that included the Presidio in the Pines Development Master Plan. A copy of the recorded Development Agreement, with included Development Master Plan is on file and available for inspection with the Community Development Department. Subsequently, the Development Agreement has been amended three times by the City Council. The most recent amendment entitled the Third Supplement to the Development Agreement is dated August 2, 2012.

The Final Plat of Presidio in the Pines, which included Tract B, was approved by the City Council and

was recorded on May 19, 2005. Development was anticipated to include 470 residential units, construction of the entire on-site private and public roadway system, construction of the required improvements to Woody Mountain Road, construction of the entire on-site public water and sewer systems, construction of the required off-site public water and sewer improvements, and construction of the entire stormwater detention system.

A Commercial Tentative Plat of Tract B was approved by the City Council on December 6, 2005. Development was anticipated to include 15 commercial condominiums totaling 16,111 square feet and 26 residential loft condominiums. A final plat was never pursued, thus rendering the tentative plat expired in accordance with Section 11-20.60.040 of the Subdivision Code.

Options and Alternatives:

1. Approve the Preliminary Plat as recommended by the Planning and Zoning Commission.
2. Approve the Preliminary Plat subject to no conditions, additional conditions, or modified conditions.
3. Deny approval of the Preliminary Plat based on non-compliance with the Zoning Code, the Subdivision Code, and/or the Engineering Design Standards and Specifications for New Infrastructure.

Background/History:

The Applicant, Mogollon Engineering and Surveying, Inc., is requesting Preliminary Plat approval to permit 14 single-family residential townhome lots on 1.65 acres. The site is located within the Presidio in the Pines master planned development and is currently zoned Highway Commercial (HC) with a Regional Land Use and Transportation Plan (RLUTP) designation of Mixed Use.

Presidio in the Pines was planned and developed using the Traditional Neighborhood District (TND) standards found within the previous Land Development Code. When the Zoning Code was adopted, the TND standards were carried forward in the form of transect zones. While townhomes are not specifically permitted within the HC zone, they are permitted as part of a Planned Residential Development (PRD) with the issuance of a Conditional Use Permit (CUP), which was approved by the Planning and Zoning Commission on August 14, 2013 with a condition that the CUP not be executed until a Final Plat is approved and recorded. The Zoning Code established the PRD as a mechanism to allow the development of specific transect zone building types (i.e., townhouse, duplex, courtyard apartments, etc.) in non-transect zones. These specific building types, however, are dependent on transect development standards. As such, this development proposes the use of the T4 Neighborhood 2 (T4N2) transect zone development standards.

All other substantive issues relating to this item are included with the applicable report to the Planning and Zoning Commission dated July 25, 2013 and attached.

Community Involvement:

The existing site zoning allows the proposed subdivision. No public hearings are required as part of a subdivision plat review.

During the public hearing for the accompanying Conditional Use Permit (PCUP2013-0004), Mr. Lyman Grover, a resident of Kit Carson R.V. Park, expressed his concern about the severe flooding of the park that he believes is a direct result of runoff from the Presidio in the Pines development. Stormwater staff made contact with Mr. Grover and staff provided assurance that all stormwater facilities at Presidio have been constructed according to the approved plans and standards.

Attachments: PZC Staff Report
 PZC Staff Report Attachments
 Conditional Use Permit (PCUP2013-0004)
 Preliminary Plat

Form Review

Inbox	Reviewed By	Date
Current Planning Manager	Mark Sawyers	08/28/2013 11:42 AM
Fire Marshal	Kristin Smith	08/28/2013 12:30 PM
Public Works Director	Erik Solberg	08/29/2013 09:33 AM
Utilites Director	Brad Hill	08/30/2013 03:13 PM
Real Estate Manager	Elizabeth A. Burke	08/30/2013 03:16 PM
Planning Director	Jim Cronk	09/03/2013 05:13 PM
Legal Assistant	Vicki Baker	09/03/2013 05:14 PM
Senior Assistant City Attorney JS	James Speed	09/04/2013 08:51 AM
Community Development Director	Mark Landsiedel	09/04/2013 03:18 PM
DCM - Jerene Watson	Jerene Watson	09/05/2013 08:40 AM
Form Started By: Brian Kulina		Started On: 08/19/2013 09:55 AM
	Final Approval Date: 09/05/2013	

PLANNING AND DEVELOPMENT SERVICES REPORT
PRELIMINARY PLAT

PC PPPL 2013-0004

DATE: **July 25, 2013**
MEETING DATE: **August 14, 2013**
REPORT BY: **Brian Kulina**

REQUEST:

A Preliminary Plat request from Mogollon Engineering and Surveying, Inc., on behalf of Miramonte Homes, for a Preliminary Plat of Tract B of The Presidio in the Pines master planned development. The Tract B Preliminary Plat consists of 14 single-family residential townhome lots on approximately 1.65 acres located at 2700 S Presidio Drive South, within the Highway Commercial (HC) Zone.

STAFF RECOMMENDATION:

Staff recommends the Planning and Zoning Commission forward the Preliminary Plat to the City Council with a recommendation for approval.

PRESENT LAND USE:

Undeveloped.

PROPOSED LAND USE:

14 townhome lots.

NEIGHBORHOOD DEVELOPMENT:

North: Undeveloped Single-Family Residential Townhomes; High Density Residential (HR) Zone
East: Undeveloped Single-Family Residential Townhomes; High Density Residential (HR) Zone
South: Undeveloped Single-Family Residential Townhomes; High Density Residential (HR) Zone
West: Undeveloped Mixed-Use, Presidio Town Square; Highway Commercial (HC) Zone

REQUIRED FINDINGS:

The Planning and Zoning Commission shall find that the proposed Preliminary Plat meets the requirement of the Zoning Code (City Code Title 10), the Subdivision Code (City Code Title 11), and the Engineering Design Standards and Specifications for New Infrastructure (City Code Title 13).

STAFF REVIEW:

Introduction and Discussion

On May 18, 2004, the City Council approved Ordinance No. 2004-05 that rezoned approximately 91 acres of

PPPL 2013-0004
July 25, 2013

property from the Rural Residential (RR) Zone as follows: approximately 77 acres to the High Density Residential (HR) Zone, approximately 1 acre to the Single-Family Residential (R1) Zone (formally known as the Urban Residential (UR) Zone), and approximately 13 acres to the Highway Commercial (HC) Zone (formally known as the Urban Commercial (UC) Zone).

On May 28, 2004, the City Council approved Resolution No. 2004-40 that entered the City into a Development Agreement that included the Presidio in the Pines Development Master Plan. A copy of the recorded Development Agreement, with included Development Master Plan is on file and available for inspection with the Community Development Department. Subsequently, the Development Agreement has been amended three times by the City Council. The most recent amendment entitled the Third Supplement to the Development Agreement is dated August 2, 2012.

The Final Plat of Presidio in the Pines, which included Tract B, was approved by the City Council and was recorded on May 19, 2005. Development was anticipated to include 470 residential units, construction of the entire on-site private and public roadway system, construction of the required improvements to Woody Mountain Road, construction of the entire on-site public water and sewer systems, construction of the required off-site public water and sewer improvements, and construction of the entire stormwater detention system.

A Commercial Tentative Plat of Tract B was approved by the City Council on December 6, 2005. Development was anticipated to include 15 commercial condominiums totaling 16,111 square feet and 26 residential loft condominiums. A final plat was never pursued, thus rendering the tentative plat expired in accordance with Section 11-20.60.040 of the Subdivision Code.

A Conditional Use Permit application to allow the establishment of a Planned Residential Development within the Highway Commercial (HC) zone was reviewed and approved by the Planning Commission on August 14, 2013.

Flagstaff Area Regional Land Use and Transportation Plan

The Flagstaff Area Regional Land Use and Transportation Plan (RLUTP) designates the subject property as Mixed Use, which encourages densities of not less than seven (7) dwelling units per acre. The primary objective of the Mixed Use land use designation is to provide a mix of housing types, shopping, and employment centers that invite walking to gathering places, services, and conveniences, and that are fully integrated into the larger community. While the subject property is no longer proposed with a non-residential component, the Presidio in the Pines master planned development fulfills the intent of the Mixed Use designation by providing additional lots that are planned for non-residential development, a central town square gathering place, and an extensive system of pedestrian amenities that enhance connectivity.

ZONING REQUIREMENT

The subject property is currently zoned Highway Commercial (HC). Presidio in the Pines was planned and developed using the Traditional Neighborhood District (TND) standards found within the previous Land Development Code. When the Zoning Code was adopted, the TND standards were carried forward in the form of transect zones. While townhomes are not specifically permitted within the HC zone, they are permitted as part of a Planned Residential Development (PRD) with the issuance of a Conditional Use Permit (CUP). The Zoning Code established the PRD as a mechanism to allow the development of specific transect zone building types (i.e.

townhouse, duplex, courtyard apartments, etc.) in non-transect zones. These specific building types, however, are dependent on transect development standards. As such, this development proposes the use of the T4 Neighborhood 2 (T4N2) transect zone development standards.

Density/Intensity/Development Standards

The development has a proposed net density of 13.1 dwelling units per acre, which exceeds the minimum seven (7) dwelling units per acre established by the RLUTP and the minimum 13 dwelling units per acre established by the Zoning Code. As previously mentioned, this development is proposed as using the T4N2 development standards. Section 10-40.40.080.A of the Zoning Code (Page 40.40-31) indicates that the primary intent of the T4N2 zone is to create new walkable urban neighborhoods that are in character with established neighborhoods through the integration of small-footprint, medium-density building types that are likely smaller than those found in other zones.

Section 10-50.110.120 of the Zoning Code (Page 50.110-20) establishes specific development standards for townhouse development within a transect zone. These standards include setbacks that are reduced from traditional zoning districts, a minimum lot width of 18-feet, a minimum lot depth of 80-feet, individual entrances facing a street, porches, and rear loaded design. This development proposal meets the criteria of the townhome standards except for minimum lot depth. In order to meet the minimum density requirements and rear loaded design standard, a 22-foot wide private roadway is planned to connect Presidio Drive South and Mission Timber Circle bisecting the subject property. All lots meet the minimum lot size requirements of 1,440 square feet.

Reductions in development standards are supported by the Zoning Code when the lot is created by a recorded subdivision as a legal building site (Section 10-20.60.090, Page 20.60-6). Staff feels that these reductions in the standards are mitigated by the site and development design, and the integration of the development into the Presidio in the Pines master planned development. Further, Staff believes that this development is in conformance with the requirements of the Zoning Code.

Natural Resources

In accordance with Section 10-50.90.020.A of the Zoning Code (Page 50.90-2), the subject property is located within the established Resource Protection Overlay (RPO) Zone. When Presidio in the Pines was initially entitled and platted, a Tree Resource Plan, a copy of which is attached to this report, was submitted to and approved by the City. That plan identified Tract B as having no preserved forest resources; however, the Applicant has agreed to preserve as many existing trees as possible during the development of the project. No floodplain or slope resources are located on the subject property.

Open Space

The open space requirement for a townhome lot is 15% of the lot area. The open space can be provided in several forms, including porches, balconies, open ground, or useable common area. Open space for this development should range from 578 square feet for the smallest lot to 1,085 square feet for the largest lot. On-lot open space is primarily provided by an approximately 445 square foot porch. This leaves an open space deficiency ranging from 133 square feet for the smallest lot to 640 square feet for the largest lot. This development is part of the larger Presidio in the Pines master planned development that provides for approximately 15.5 acres of open space spread throughout the

development, including the 1.24 acre Town Square immediately adjacent to Tract B. When the off-site open space is combined with the provided on-site open space, staff believes that the intent of the T4N2 zone is being met resulting in a compact urban form that is in character with the surrounding neighborhood.

Landscaping

Table 10-50.60.050.A of the Zoning Code (Page 50.60-19) requires that street buffer and building foundation landscaping be provided at a plant rate of 1 tree per each 25 linear feet with 2 shrubs and 2 groundcover plants per tree. As previously mentioned, the Applicant is working to preserve existing trees, which, in accordance with Section 10-50.60.050.A.1.g of the Zoning Code (Page 50.60-18), can be used to offset some of the required landscaping. A final landscape plan prepared in accordance with Section 10-50.60.030.C of the Zoning Code (Page 50.60-6) will be required as part of the public improvement plan submission.

Lighting

In accordance with Section 10-50.70.040.B of the Zoning Code (Page 50.70-4), this development is located within Lighting Zone 2. In accordance with Table 10-50.70.050.A of the Zoning Code (Page 50.70-6), the maximum total lumens for a single-family residential development within Zone 2 is 10,000 lumens per lot, which includes a limit of 4,000 lumens per lot for partially shielded light fixtures. Development includes 3 light fixtures per lot with a lumen output of approximately 1,500 lumens per fixtures for a total on-lot lumen count of 4,500 lumens per lot. Final lighting compliance will be ensured during the building permit review process.

Building Design

The townhomes are two-stories tall with finish floor elevations (FFE) that vary from lot-to-lot, which help to distinguish between building modules. The ground floor includes a 2-car garage, master bedroom and bath, living area, dining area, kitchen, laundry, and half-bath. The second floor includes 2 bedrooms, a full bath, and a loft. Four lots are proposed with an optional attached casita that includes separate external access, a bedroom, sitting area, and full bath. These casitas do not meet the Accessory Dwelling Unit size or amenity requirements as prescribed by the Zoning Code and are therefore classified as a bedroom.

Proposed elevations and floor plans are attached to this report for review. The Developer has provided a design that includes multi-planed pitched roofs with building materials and window designs that are traditionally seen throughout Flagstaff. Columns and a porch work to establish a pedestrian scale to the building and clearly define the main entrance of each dwelling unit. In keeping with the Presidio new urbanism design principles, the front door of each unit is oriented to the street with rear vehicular access.

Staff believes the proposed building design, material, and site work together to provide a development that integrates into the neighborhood and meets the design requirement of the Zoning Code. Final design compliance will be ensured during the building permit review process.

SYSTEMS ANALYSIS:

Traffic/Access/Pedestrian/Bicycle

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No traffic impact analysis was required for this development. Bicycle and pedestrian access is available from this site via existing sidewalks and the new private roadway, which has a proposed cross-section in keeping with Presidio new urbanism design principles, provides vehicular access to the rear loaded garages, and will be maintained by the established Homeowners Association. Section 11-20.120.010.A of the Subdivision Code requires that all lots created by the subdivision of land shall have their own frontage to a public or private street. Section 10-80.20.060 of the Zoning Code (Page 80.20-32) defines frontage as the areas between the façade and the vehicular lanes inclusive of its built and planted components. Although the lots along the east and south edges of the subject property do not have a physical connection to the adjacent street, they do have frontage, as defined by the Zoning Code, along the street and they have legal access to either Presidio Drive or Mission Timber Circle via the new private roadway. Staff believes that this meets the intent of the Subdivision Code by granting legal access to the individual lots that cannot be removed, denied, or modified without City Council action. Further, Staff believes that this development is in conformance with the requirements of the Zoning Code, the Subdivision Code, and the Engineering Design Standards

Water System

In accordance with the Engineering Design Standards, an 8-inch water main will be extended from an existing main located in Presidio Drive South and Mission Timber Circle through the private roadway. Individual building services will be provided from this new main.

Wastewater System

In accordance with the Engineering Design Standards, 8-inch sewer main will be extended from an existing main located in Mission Timber Circle south through the private roadway. The new main will terminate at the northwest side of the property. Individual building services will be provided from this new main.

Stormwater System

The original Drainage Master Plan for Presidio in the Pines accounted for the development of Tract B. No new Low Impact Development (LID) or detention features are required on-site. The Developer has noted that native, drought tolerant plantings and passive rainwater harvesting will be used across this development.

RECOMMENDATION:

Staff recommends that the Planning and Zoning Commission forward the Preliminary Plat to the City Council with a recommendation for approval.

Attachments:

- Preliminary Plat Application
- Vicinity Map
- Aerial Image
- Elevations and Floor Plans (Included in PC CUP 2013-0004 Packet)
- Tree Protection Plan (Included in PC CUP 2013-0004 Packet)

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- Preliminary Plat (Included in PC CUP 2013-0004 Packet)

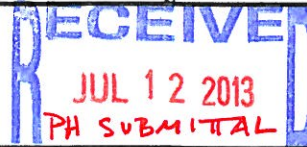


City of Flagstaff

211 W. Aspen Ave
Flagstaff, AZ 86001
www.flagstaff.az.gov

P: (928) 213-2618
F: (928) 213-2609

Community Development Division



SUBD

Date Received	Application for Subdivision Review		File Number DEV13-005
Property Owner(s) Miramonte Homes	Phone 520-615-8900		
Mailing Address 2492 E. River Rd. St. 100	City, State, Zip TUCSON AZ 85718	Email grayomiramontehomes.com	
Applicant(s) mogolon Eng.	Phone 214-0214		
Mailing Address P.O. Box 1952	City, State, Zip Flagstaff AZ 86002	Email mogolon99@aol.com	
Project Representative mogolon Eng.	Phone		
Mailing Address	City, State, Zip	Email	
Requested Review:	<input type="checkbox"/> Development Master Plan <input type="checkbox"/> Conceptual Plat <input checked="" type="checkbox"/> Preliminary Plat P&Z and Council <input type="checkbox"/> Modified Subdivision <input type="checkbox"/> Preliminary Plat <input type="checkbox"/> Final Plat- Council		

Project Name: TRACT B of Presidio in the Pinos	Site Address 2700 S. Presidio Dr. South	Parcel Number 112-62-472
Proposed Use Townhomes	Existing Use Vacant	Subdivision, Tract & Lot Number Tract B Presidio in the Pinos
Zoning District HC	Regional Plan Category Mixed Use	Flood Zone X
Property Information:	Size of Site (Sq. ft. or Acres) 1.645 ac	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Located in an existing Local/National Historic District? (Name: _____) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Existing structures are over 50 years old at the time of application? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Subject property is undeveloped land?		

Surrounding Uses	North	South	East	West
(Res, Com, Ind)	Res	Res	Res	Res

Proposed Use:	Number of Lots	Number of Units	Number of acres per use	Building Square Feet
Townhomes	14	14	8.5	

Please complete a "Subdivision Review Application" and provide an initialed "Application and Information Checklist" form along with the required number of plans and information as appropriate for a Development Master Plan, Conceptual, Preliminary or Final Plat. **Incomplete submittals will not be scheduled.**

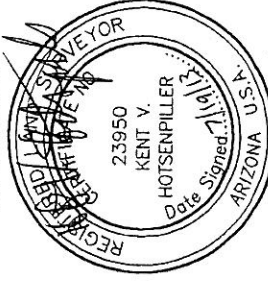
Property Owner Signature: (required) Bet H. [Signature] for Chris Hemmery	Date: 7/12/13	Applicant Signature: [Signature]	Date: 7/12/13
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For City Use

Date Filed: 7/16/13	Case Number (s): PPPL 2013 0004
P & Z Hearing Date: 8/14/13	Publication and Posting Date: N/A
Council Hearing Date: 9/17/13	Publication and Posting Date:
Fee Receipt Number: 13-0035721	Amount: \$ 4,356.00
Date: 3/26/13	
Action by Planning and Zoning Commission:	Action By City Council:
<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Approved
<input type="checkbox"/> Denied	<input type="checkbox"/> Denied
<input type="checkbox"/> Continued	<input type="checkbox"/> Continued
Staff Assignments	Planning B. KULINA
Engineering D. COLE	Fire M. STREET
Public Works/Utilities J. DAVIS	Stormwater K. BROWN

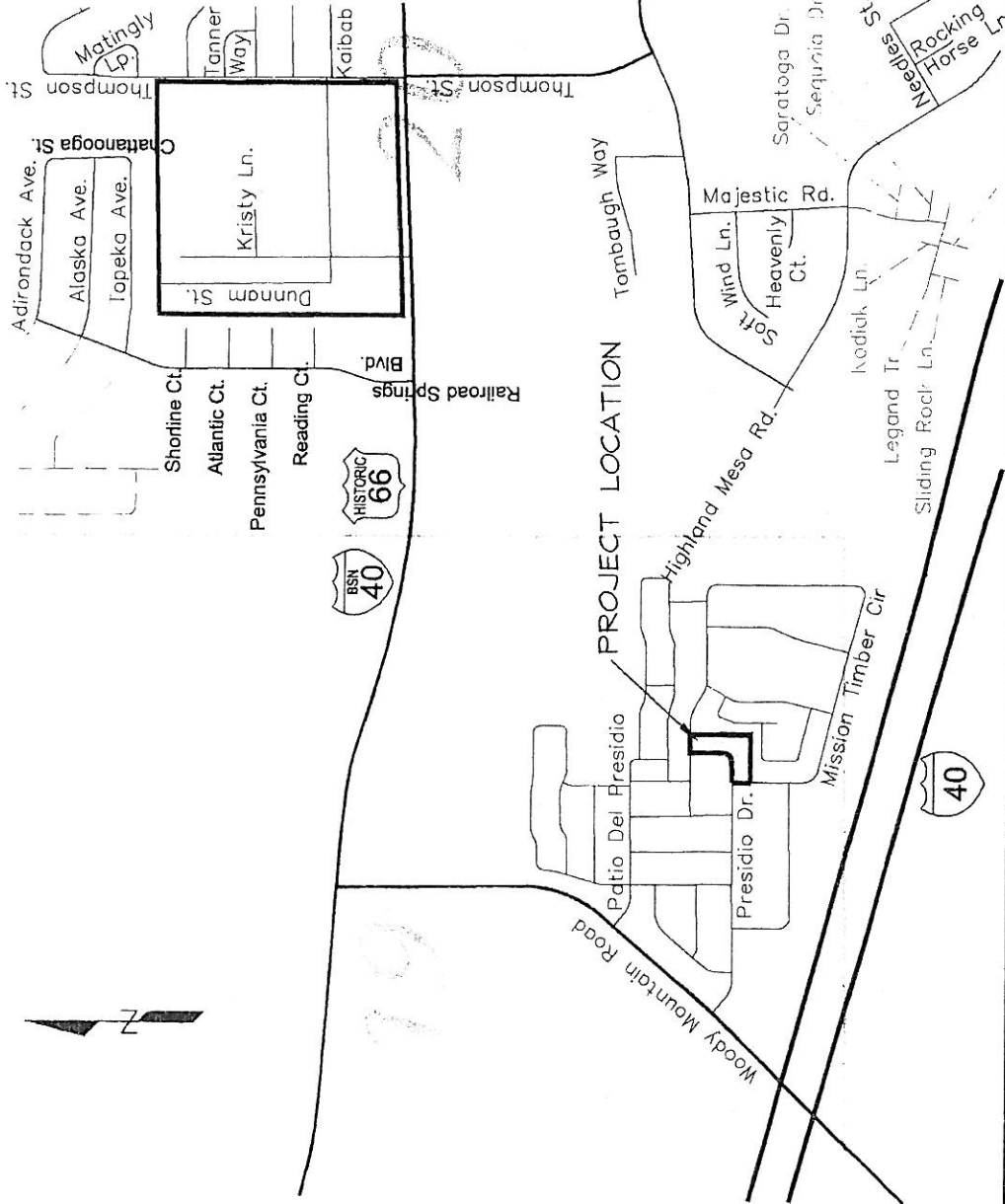
VICINITY MAP PRELIMINARY PLAT TRACT B OF PRESIDIO IN THE PINES

CASE 9 MAP 72,
COCONINO COUNTY
RECORDS LOCATED IN
THE S1/2 SECTION 19, T 21
N, R 7 E, FLAGSTAFF,
COCONINO COUNTY,
ARIZONA



Expires on 3/31/15

THE REGIONAL LAND USE
AND TRANSPORTATION
PLAN DESIGNATION FOR
ALL OF PRESIDIO IN THE
PINES IS MIXED USE.
ZONING IS SHOWN ON THE
PRELIMINARY PLAT



HORIZONTAL SCALE: n.t.s.

VERTICAL SCALE:

DESIGNED/DRAWN BY:

PROJECT NO. 12993

DATE: 7/17/13

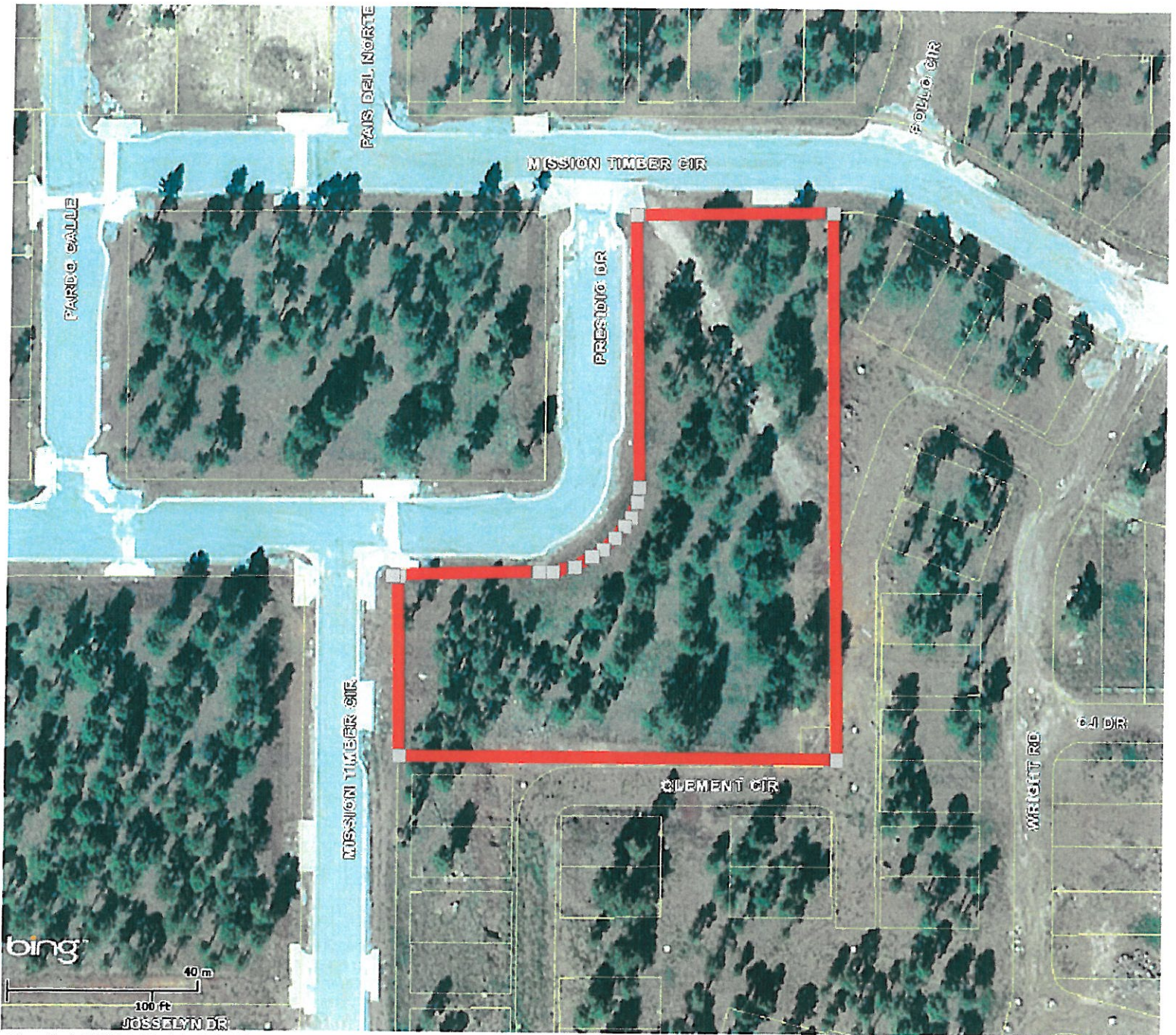
Mogollon
ENGINEERING
& SURVEYING

411 W. Santa Fe Avenue, Flagstaff, Az. 86001
P.O. Box 1952, Flagstaff, Az. 86002
Phone: 928-214-0214 • Fax: 928-513-0015

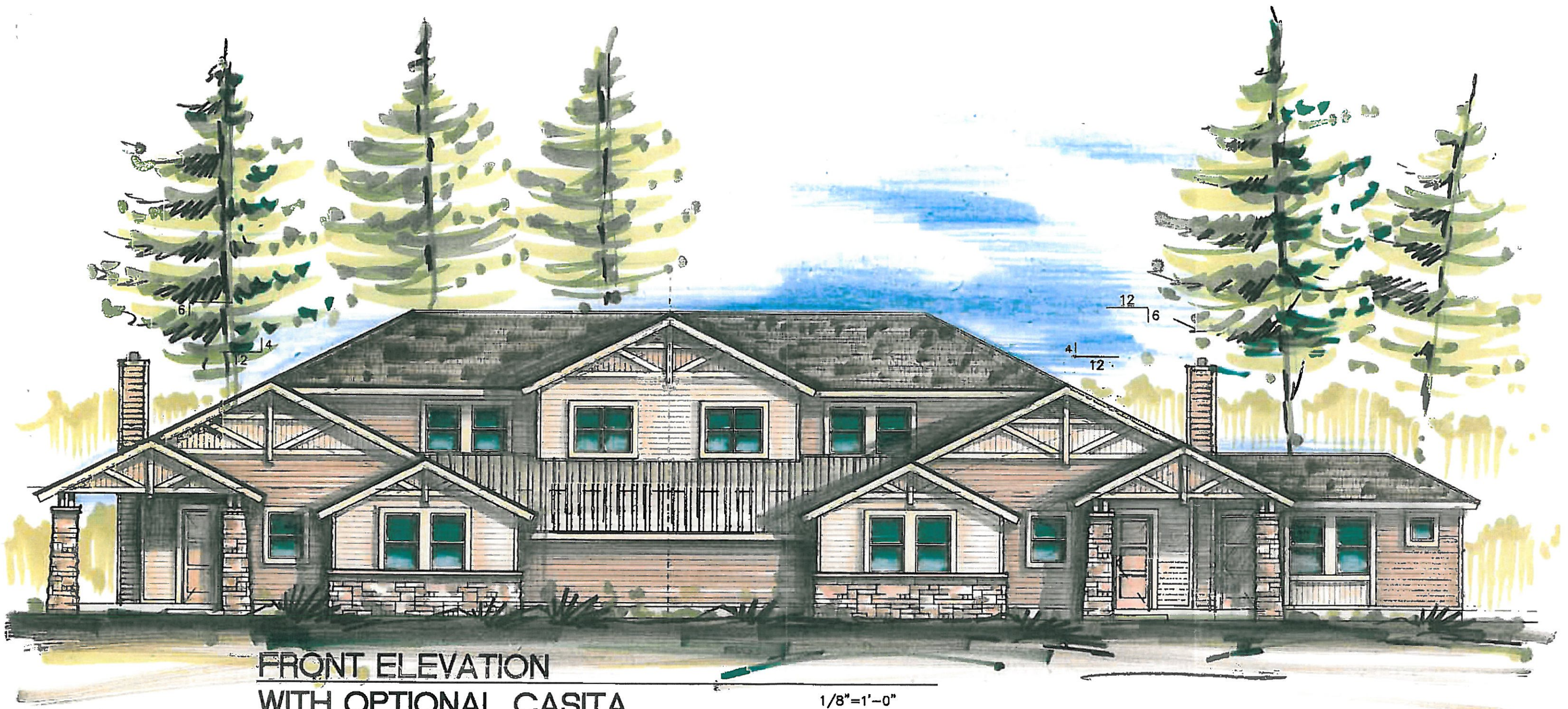
VICINITY MAP
P&Z SUBMITTAL

PC PPPL 2013-0004

Aerial Image



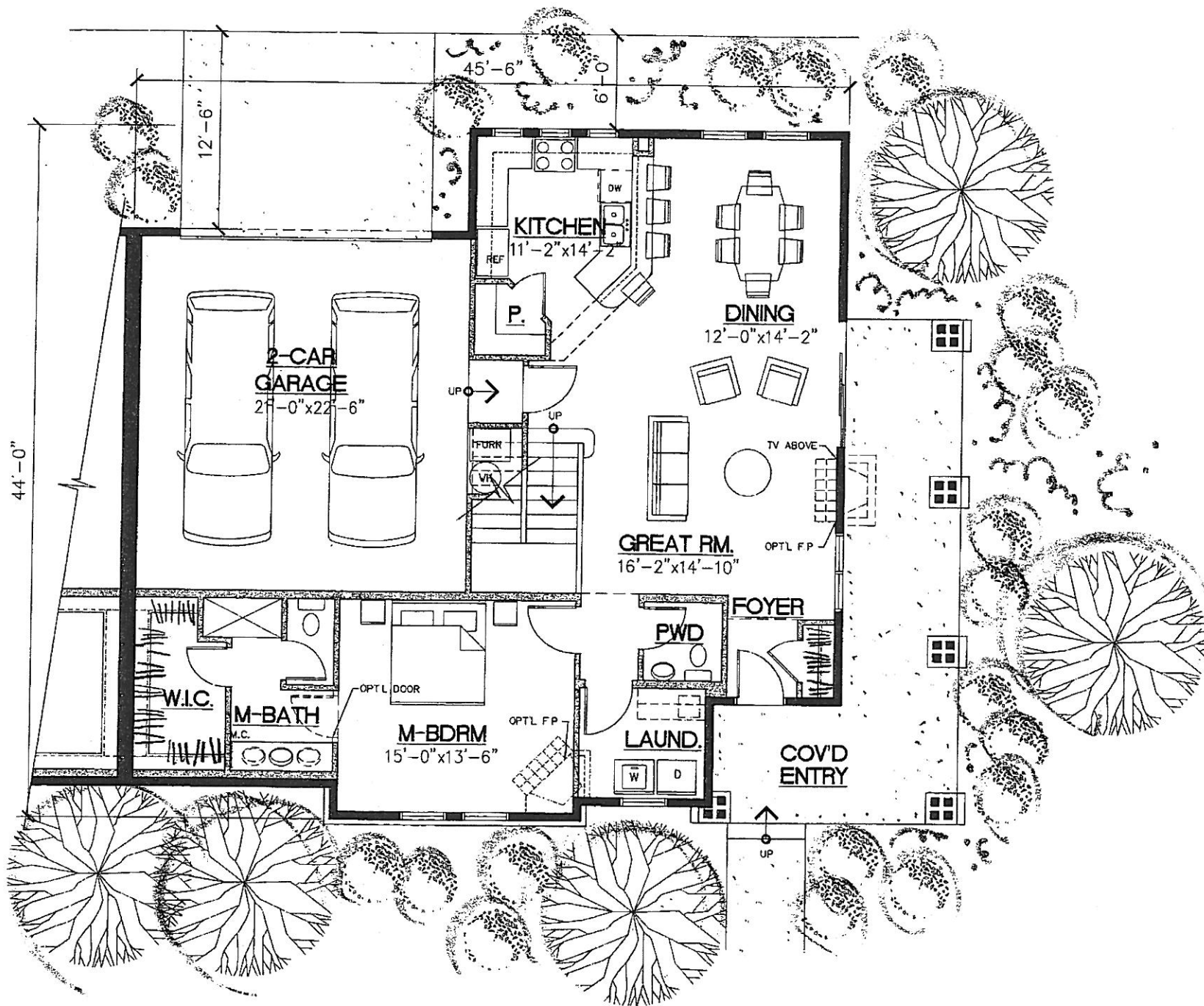
Thu Jul 25 2013 12:06:32 PM.



**EGLIN+BRESLER
ARCHITECTS**

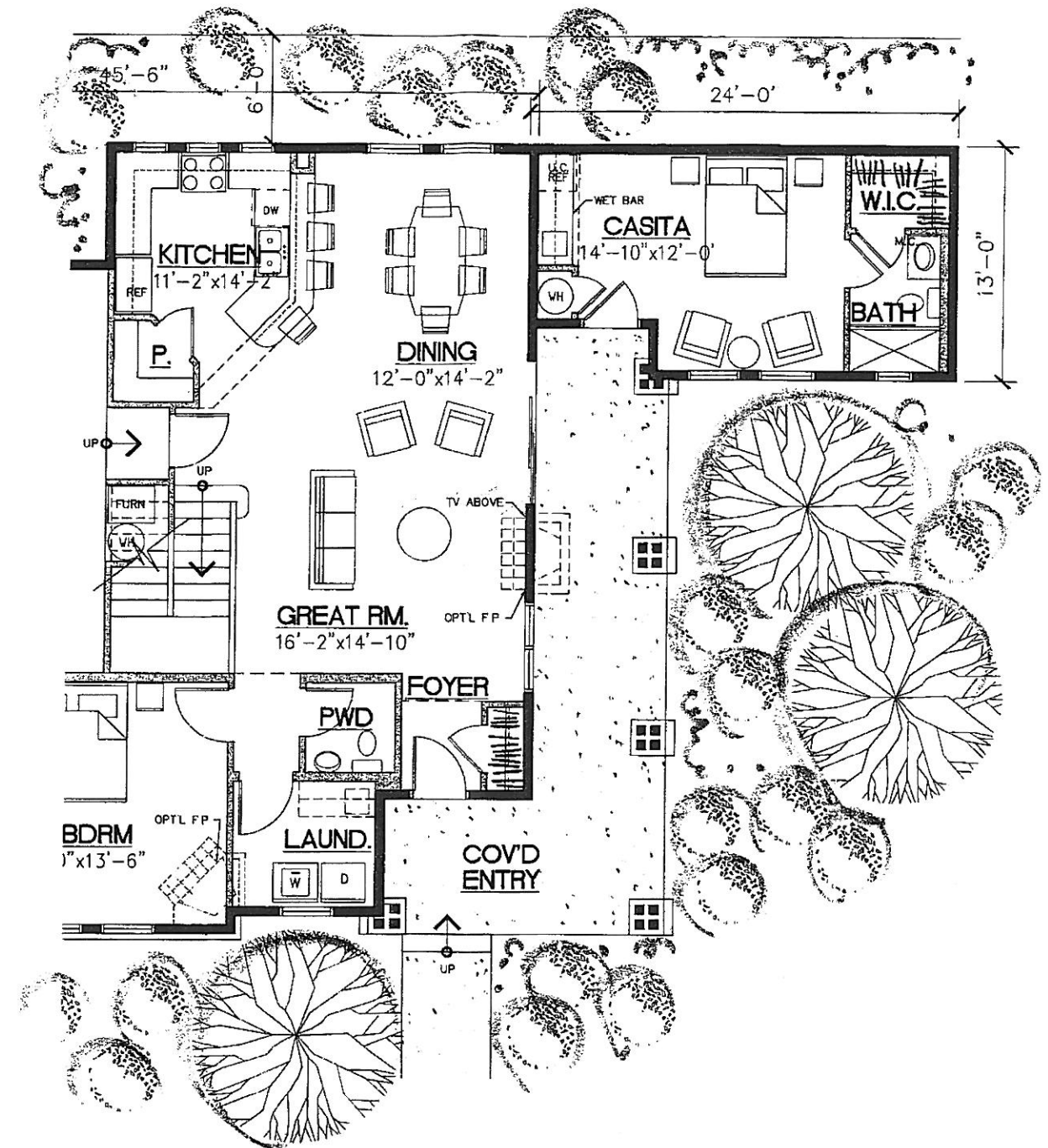
7301 E. TANQUE VERDE ROAD
TUCSON, ARIZONA 85715 • 520-885-4466

DATE 12/28/12 JOB CB50-12
NT. [Signature]



FLOOR PLAN - LOWER LEVEL 1243 SF
1/4"=1'-0"

AREA TABULATION	
LOWER LEVEL	1243 S.F.
UPPER LEVEL	554 S.F.
TOTAL	1797 S.F.
CASITA	293 S.F.
TOTAL	2090 S.F.



FLOOR PLAN - LOWER LEVEL 1536 SF
WITH OPTIONAL CASITA 1/4"=1'-0"



PRESIDIO IN THE PINES

MIRAMONTE HOMES
FLAGSTAFF, ARIZONA

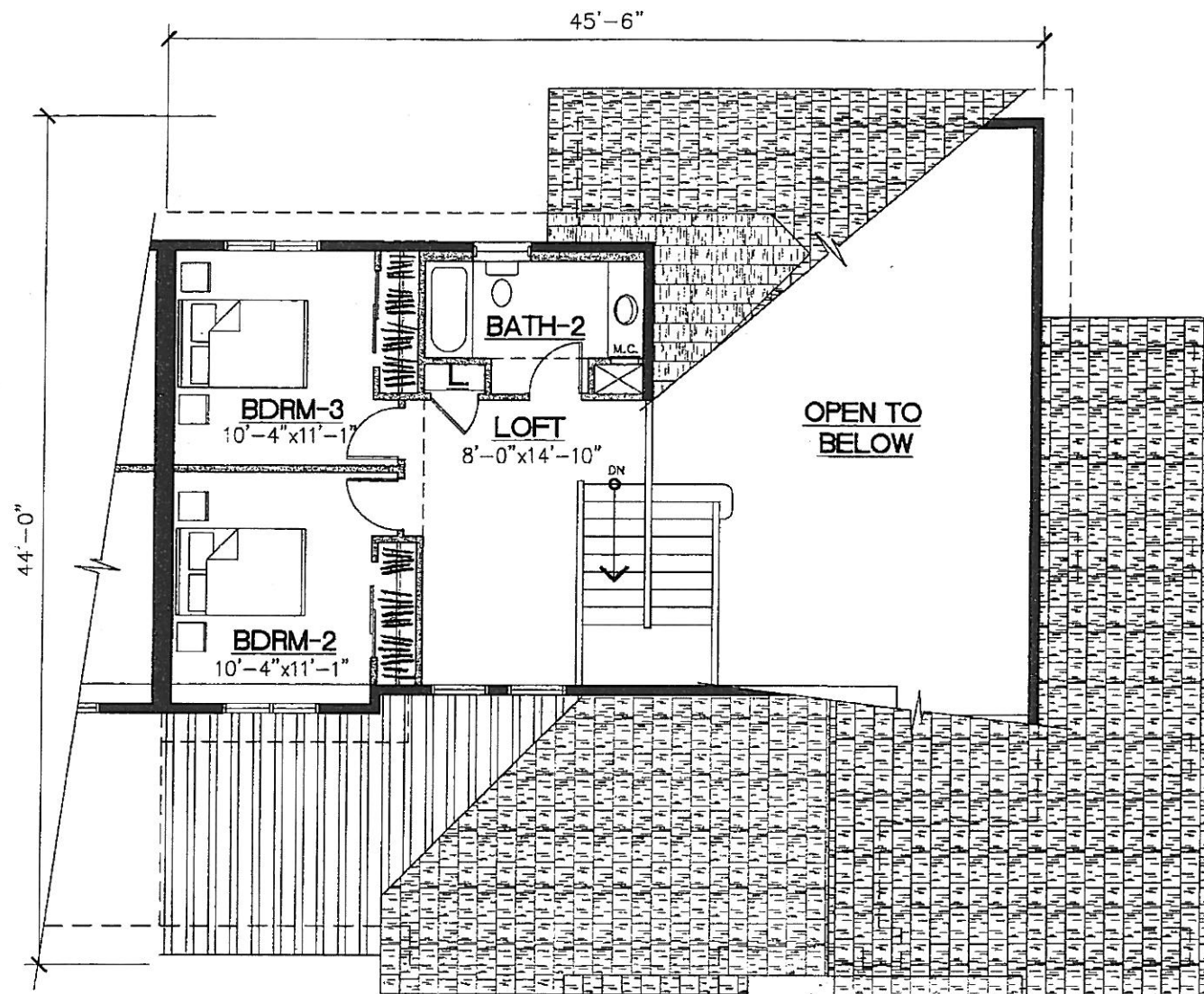


7591 EAST TAMOLIE VERDE ROAD
TEL. (520) 885-4455
www.eglinbresler.com

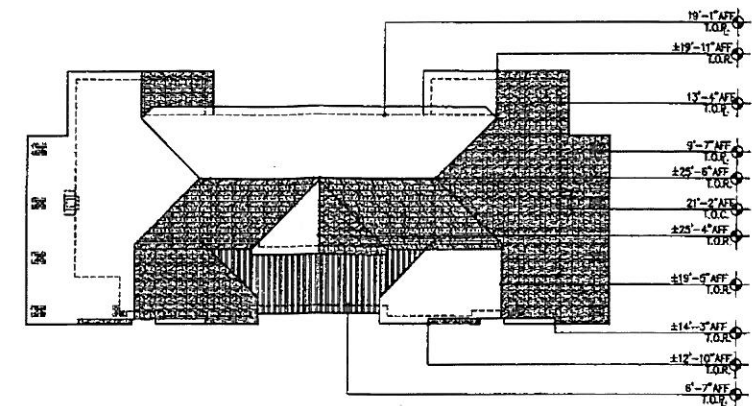
TUCSON, AZ. 85710
FAX (520) 885-2856
info@eglinbresler.com

12.26.12 JOB# 2850-12

2

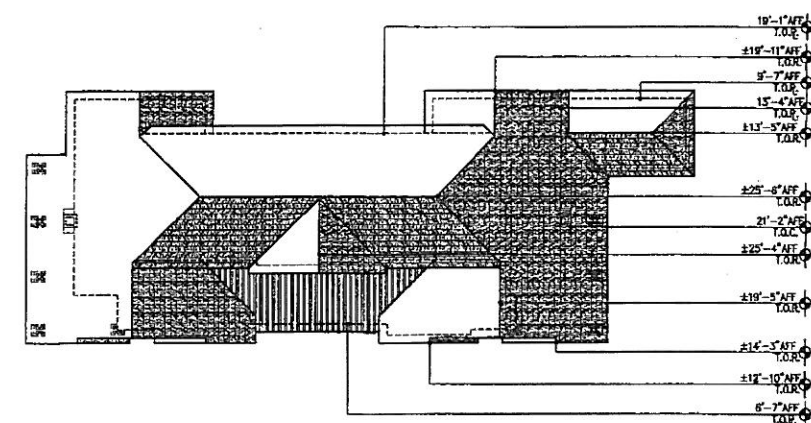


FLOOR PLAN - UPPER LEVEL 554 SF
1/4"=1'-0"



ROOF PLAN

1/16"=1'-0"



ROOF PLAN
WITH OPTIONAL CASITA

1/16"=1'-0"

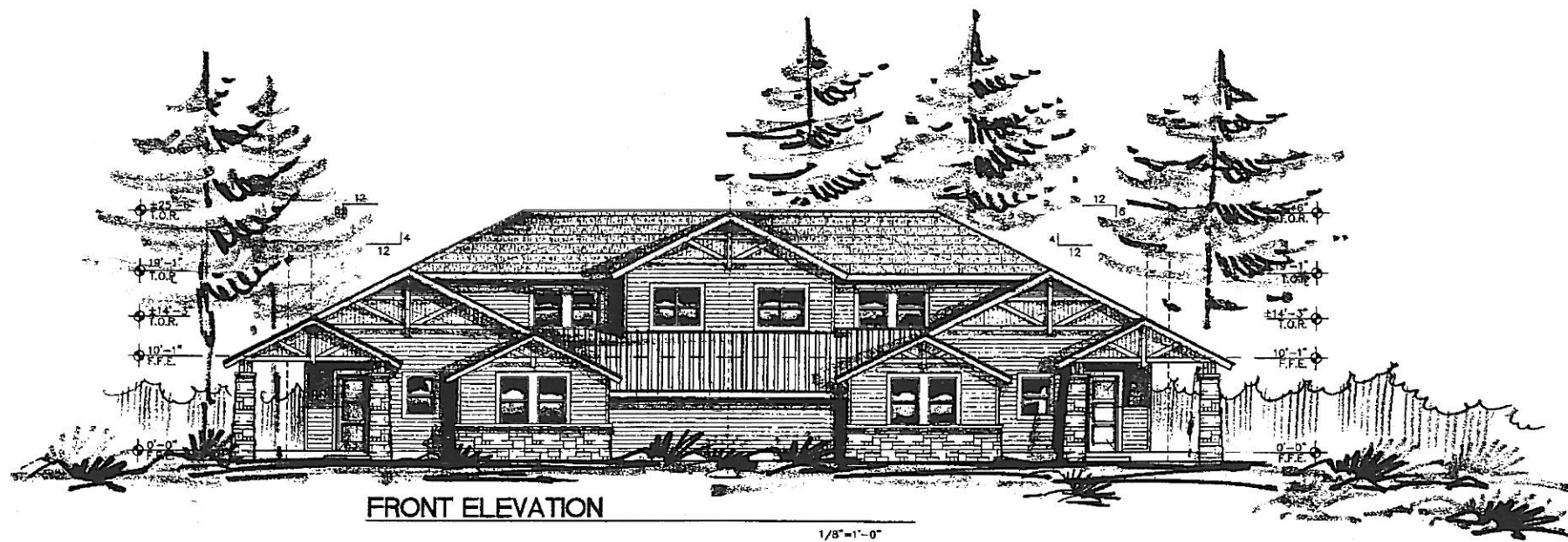


PRESIDIO IN THE PINES

MIRAMONTE HOMES
FLAGSTAFF, ARIZONA

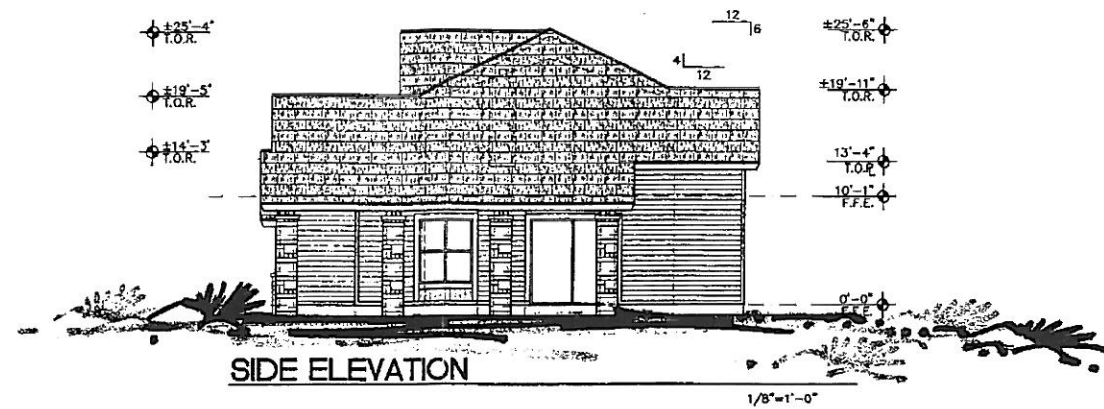


3



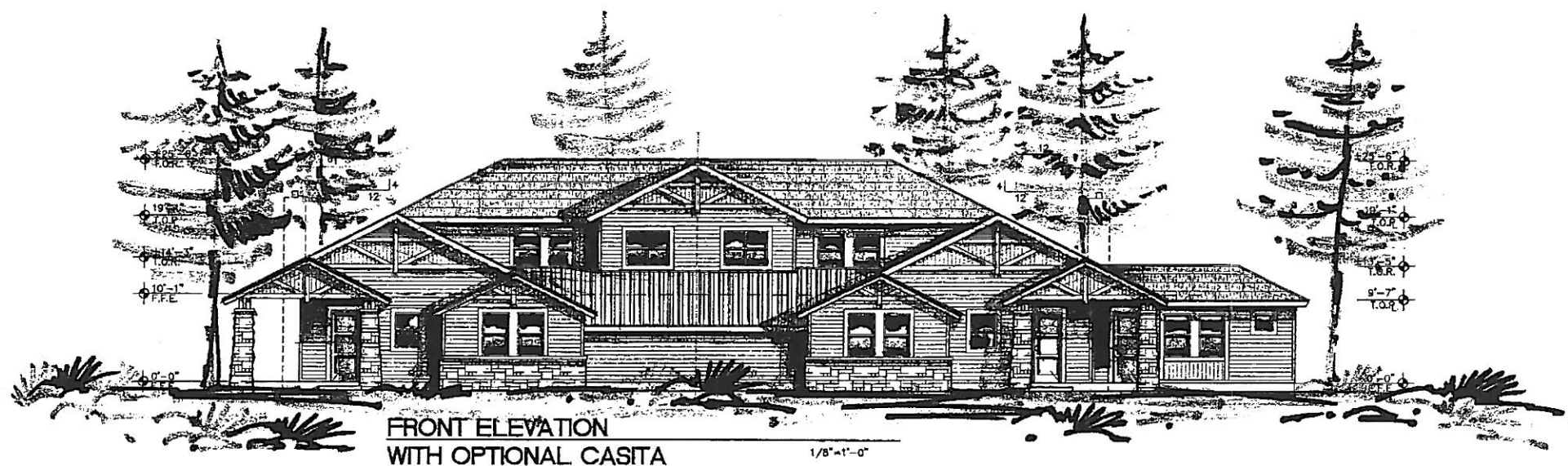
FRONT ELEVATION

1/8"=1'-0"



SIDE ELEVATION

1/8"=1'-0"



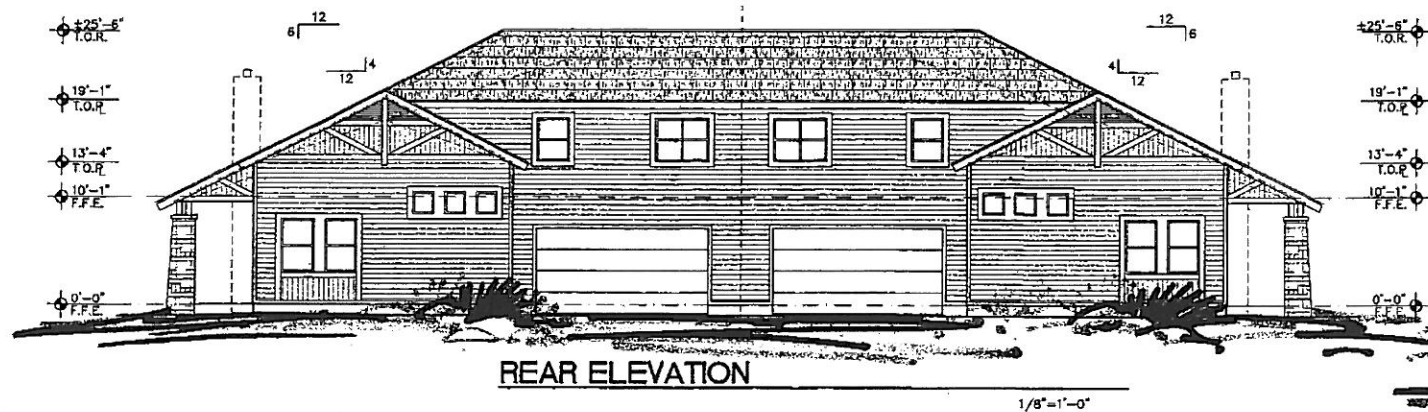
FRONT ELEVATION
WITH OPTIONAL CASITA

1/8"=1'-0"



SIDE ELEVATION
WITH OPTIONAL CASITA

1/8"=1'-0"



REAR ELEVATION

1/8"=1'-0"



REAR ELEVATION
WITH OPTIONAL CASITA

1/8"=1'-0"

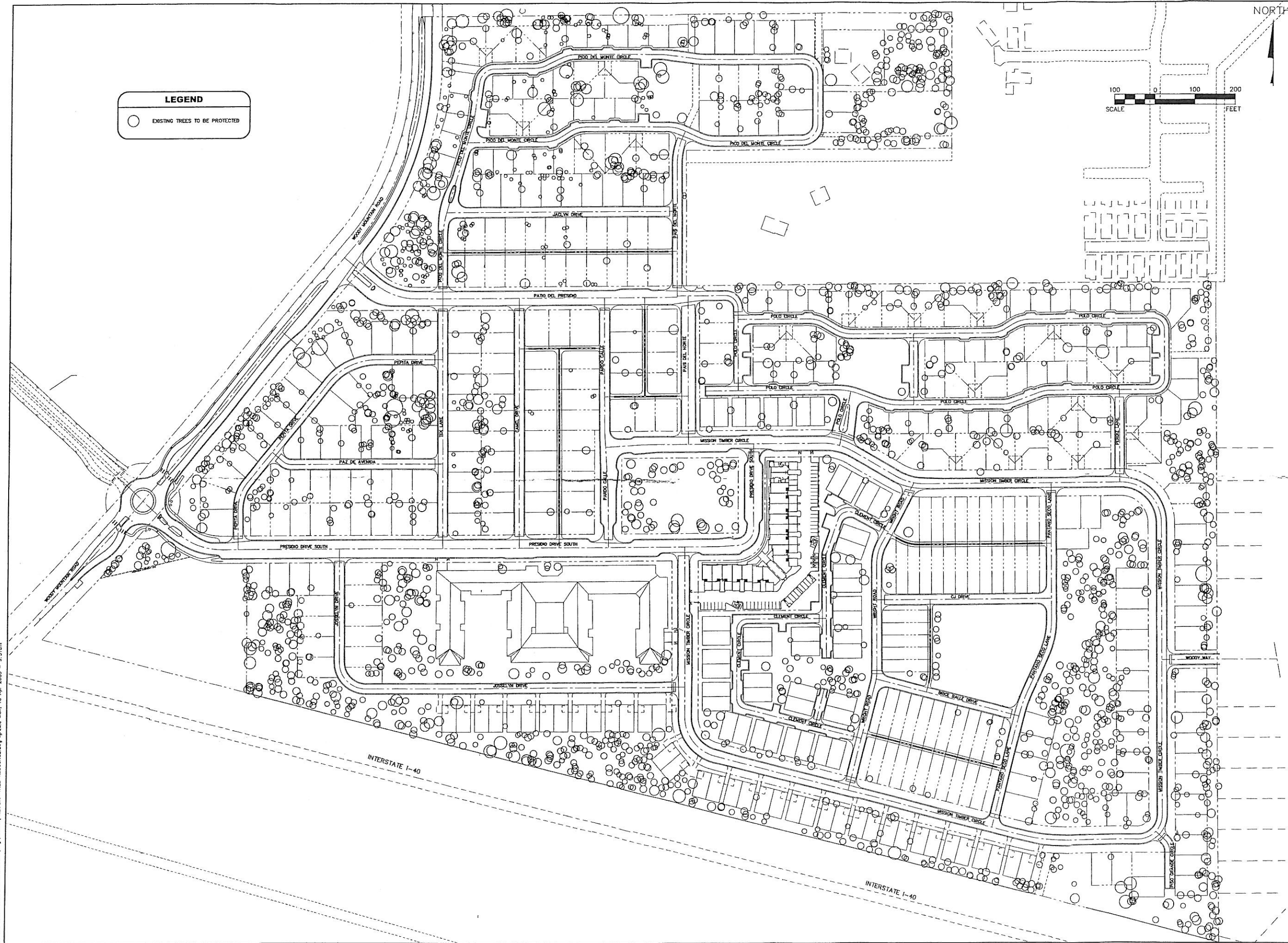


PRESIDIO IN THE PINES

MIRAMONTE HOMES
FLAGSTAFF, ARIZONA



4



PROJECT INFORMATION	
PROJ NO	601.006N
DESIGN	AFP
DATE	4/18/05
SCALE	AS SHOWN
CAD FILE	
STAMP DATE 4-11-05	
TRC Customer-Focused Solutions BV Engineering Nevada	
8395 W. SUNSET ROAD Suite 190 Las Vegas, NV 89113 Tel: 702-650-0572 Fax: 702-337-4222 Web: trccad.com	
PRESIDIO IN THE PINES - SE of Woody Mt./SR 66	
TREE RESOURCE PLAN	
SHEET 1	
1 of 1 Sheets	

**COCONINO COUNTY, ARIZONA RECORDER
CONDITIONAL USE PERMIT
FROM GRANTOR: CITY OF FLAGSTAFF
COCONINO COUNTY, ARIZONA
OFFICE OF PLANNING AND ZONING
TO GRANTEE: MIRAMONTE HOMES**

Permit No. PCUP 2013-0004

August 14, 2013

CUP Fee Paid \$799.00

Permission is hereby granted to Miramonte Homes to allow the establishment of a Planned Residential Development, and associated site work, pursuant to Section 10-40.30.040.B. of the *Flagstaff Zoning Code* at a site located at 2700 S Presidio Drive South in the Highway Commercial (HC) Zone, and legally described as Coconino County Assessor parcel number 112-62-472 in the City of Flagstaff, Arizona.

After a public hearing held on August 14, 2013, the Planning and Zoning Commission voted to grant this Conditional Use Permit subject to the following conditions.

1. Unless modified to comply with these conditions, the development of the site shall substantially conform to the plans as presented with the Conditional Use Permit application.
2. Prior to the execution of this Conditional Use Permit, a Final Plat for the development of the subject property shall be successfully reviewed and approved by the City Council and recorded with the Coconino County Recorder.
3. One additional parking space, up to a maximum of three spaces, shall be provided on-site for each casita that is constructed.

Furthermore, this permit is issued on the express condition that the use herein permitted shall conform in all relevant respects to the ordinances of the City of Flagstaff and the laws of the State of Arizona.

Any and all conditions endorsed on this permit are subject to periodic review by the City of Flagstaff's Planning Director. Following review, the Planning and Zoning Commission shall be notified when the conditions of operation imposed in the approval and issuance of this permit have not been, or are not being complied with.

The Planning and Zoning Commission shall consider the matter of revocation and set the permit for public hearing. If the Planning and Zoning Commission finds, following the public hearing, that the conditions imposed in the issuance of this permit are not being complied with, this permit may be revoked and further operation of the use for which this permit was approved shall constitute a violation of the Zoning Code.

This Conditional Use Permit shall become null and void one (1) year from the effective date of August 14, 2013 unless the following shall have occurred:

1. A building permit has been issued and construction begun and diligently pursued; or
2. The approved use has been established; or
3. An extension has been granted by the Planning and Zoning Commission. Such extension shall be for a maximum of one hundred eighty (180) days and no extension may be granted which would extend the validity of the permit more than eighteen (18) months beyond the date of approval of the permit.
4. Property Owner shall sign Consent to Conditions/Waiver for Diminution of Value form as a condition of issuance of the Conditional Use Permit by the City.
5. Development of the use shall not be carried out until the applicant has secured all other permits and approvals required by the Zoning Code, the City, or applicable regional, State and federal agencies.

This document ____ does modify, or X does not modify the provisions of a previous Conditional Use Permit recorded in docket _____, Office of the Coconino County, Arizona, Recorder.

Planning Director, City of Flagstaff

By: _____
Applicant (if other than the property owner)

STATE OF ARIZONA)
) ss
County of Coconino)

Before me, the undersigned Notary Public personally appeared _____
who executed the foregoing document for the purposes contained therein.

SUBSCRIBED AND SWORN to before me this _____ day of _____, 2013

Notary Public

My Commission expires: _____

Permit No. PCUP 2013-001

August 14, 2013

Page 3 of 3

By: _____
Property Owner

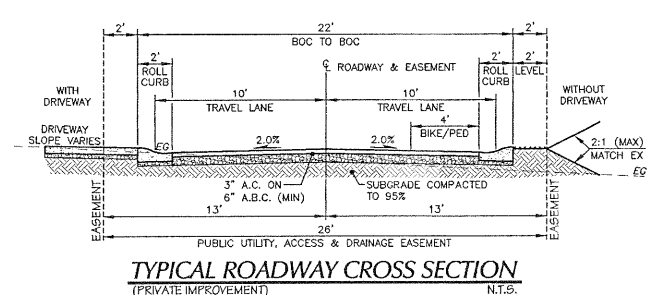
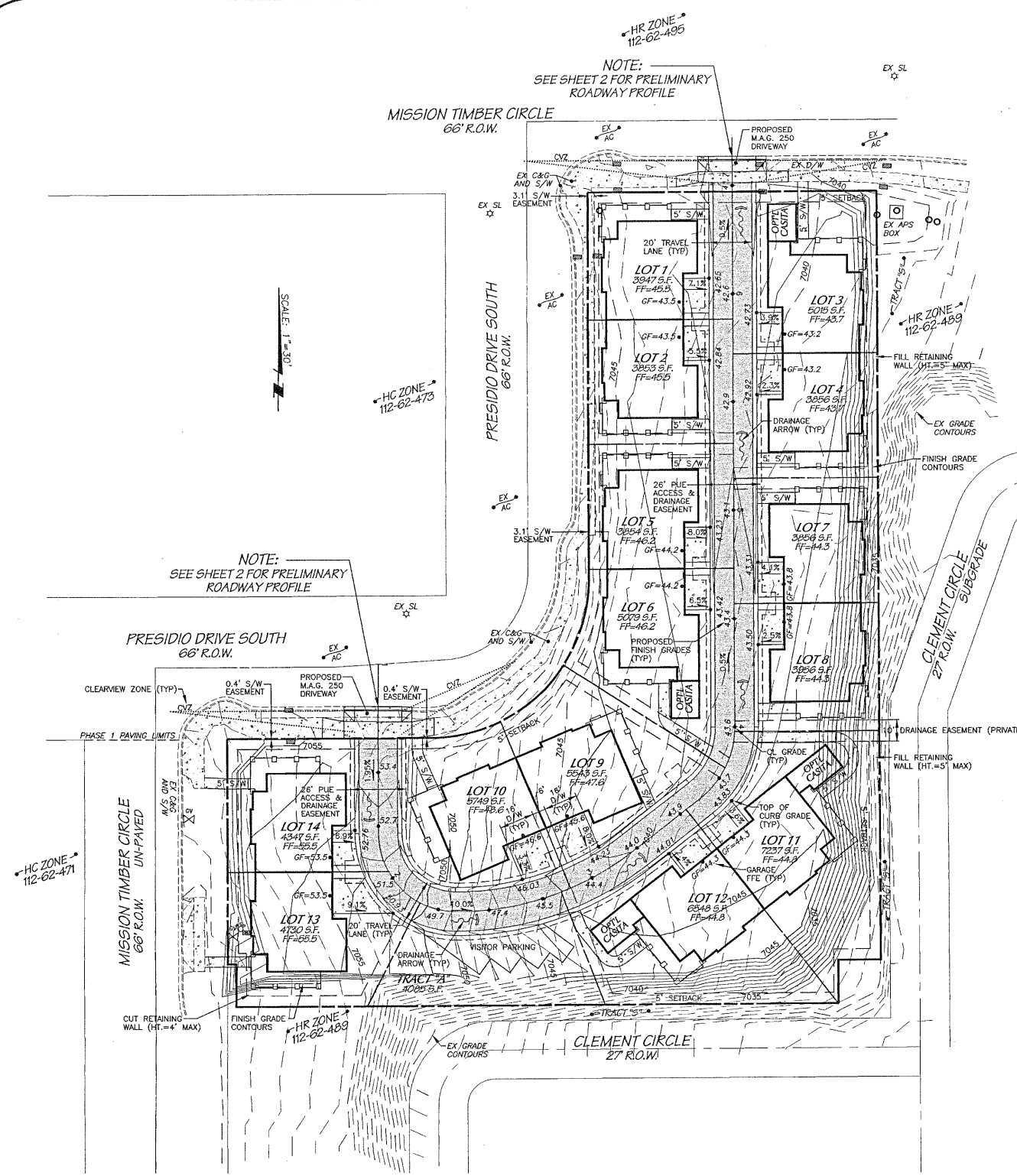
STATE OF ARIZONA)
) ss
County of Coconino)

Before me, the undersigned Notary Public personally appeared _____
who executed the foregoing document for the purposes contained therein..

SUBSCRIBED AND SWORN to before me this _____ day of _____, 2013

Notary Public

My Commission expires: _____



TRACT INFORMATION
TRACT "A" IS BEING PROVIDED FOR VISITOR PARKING AND OPEN SPACE.

LANDSCAPING
A LANDSCAPING PLAN SHALL BE SUBMITTED WITH CONSTRUCTION DOCUMENTS. ALL LANDSCAPING SHALL BE IN ACCORDANCE WITH DIVISION 10-50.60 OF THE CURRENT ZONING CODE. EXISTING TREES TO REMAIN WILL BE USED FOR LANDSCAPING REQUIREMENTS.

LANDSCAPING CALCULATIONS
STREET and PERIPHERAL: 1,321 L.F. / 25 = 53
BUILDING FOUNDATION: 2,261 L.F. / 25 = 90
TREES REQUIRED: 143
SHRUBS REQUIRED: 286
GROUND COVER REQUIRED: 286

OUTDOOR LIGHTING
PROJECT IS LOCATED IN LIGHTING ZONE 2. MAXIMUM LUMEN OUTPUT SHALL BE IN ACCORDANCE WITH TABLE 10-50.70.050.A OF THE ZONING CODE.

PUBLIC WATER & SEWER MAINS
ALL NEW 8" WATER & SEWER MAINS SHALL BE PUBLIC.

BACKFLOW PREVENTION
BACKFLOW PREVENTION SHALL BE IN ACCORDANCE WITH CITY CODE SECTION 7-03-001-0015

WATER & SEWER SERVICES
ALL NEW SEWER SERVICES SHALL BE 4" AND ALL NEW WATER SERVICES SHALL BE A 1" WATER SERVICE LINE CONNECTED TO (2) 3/4" WATER METERS FOR DOMESTIC SERVICE.

FEMA FLOOD ZONE
THIS PROJECT IS LOCATED IN FEMA ZONE "X"

LID / RAINWATER HARVESTING
USE OF NATIVE/DROUGHT TOLERANT PLANTS IN COMPLIANCE WITH C.O.F. LANDSCAPING STANDARDS AND UTILIZE PASSIVE RAINWATER HARVESTING.

TRAFFIC CONTROL
A STOP SIGN WILL BE PLACED AT BOTH OF THE NEW INTERSECTIONS.

DRAINAGE NOTES
DRAINAGE WILL ADHERE TO THE DRAINAGE MASTER PLAN FOR PRESIDIO IN THE PINES. NO L.I.D. IS PROPOSED FOR THIS PROJECT. DETENTION FOR THIS TRACT HAS BEEN PROVIDED FOR IN THE EXISTING DETENTION BASIN 4; PER TECHNICAL DRAINAGE STUDY FOR PRESIDIO IN THE PINES. GENERAL DRAINAGE FLOWS TO THE EAST. SEE DRAINAGE STATEMENT FOR TRACT "B" PRESIDIO IN THE PINES PREPARED BY MOGOLLON ENGINEERING & SURVEYING, INC. DATED MARCH 1, 2013.

IMPERVIOUS AREAS
BUILDINGS: 30,318 S.F.
ROADWAY: 12,115 S.F.
DRIVEWAYS: 3,006 S.F.
SIDEWALKS: 1,780 S.F.
TOTAL: 47,219 S.F.
BUILDING AREA INCLUDES THE OPTIONAL CASITAS

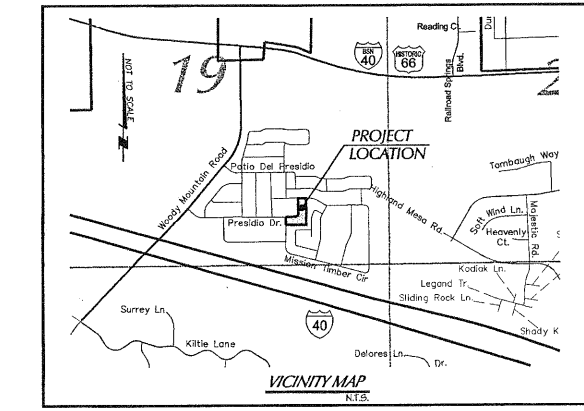


Survey was performed in December of 2012 and March of 2013.
Information shown hereon is true and correct to the best of my knowledge.

PRELIMINARY PLAT

OF TRACT B OF PRESIDIO IN THE PINES

CASE 9 MAP 72, COCONINO COUNTY
RECORDS LOCATED IN THE S1/2 SECTION
19, T 21 N, R 7 E, FLAGSTAFF, COCONINO
COUNTY, ARIZONA



UTILITY COMPANY ACKNOWLEDGMENT

UNISOURCE ENERGY	DATE
CENTURYLINK	DATE
ARIZONA PUBLIC SERVICE	DATE
SUDDENLINK	DATE

PROJECT INFORMATION

SUBDIVISION NAME: PRESIDIO IN THE PINES - TRACT "B"
LEGAL DESCRIPTION: TRACT "B" - PRESIDIO IN THE PINES
ADDRESS: N/A
APN NUMBER: #112-62-472
ZONING DISTRICT: HC
GROSS ACREAGE: 1.645±
NET ACREAGE: 1.066±
GROSS DENSITY: 8.5
NET DENSITY: 13.1
NUMBER OF LOTS: 14
OPEN SPACE: 2,460 S.F.
TRACT "A" - EXCLUDING PARKING AREA
APPROXIMATE CUT: 920 C.Y.
APPROXIMATE FILL: 5890 C.Y.
PARKING SPACES REQUIRED: 14 UNITS x 2.25 SPACES/UNIT = 31.5
PARKING SPACES PROVIDED: 32
R.L.U.T.P. DESIGNATION: MIXED USE
PROPOSED USE: TOWNHOMES
(PLANNED RESIDENTIAL DEVELOPMENT)
OWNER DEVELOPER: MIRAMONTE HOMES
2492 E. RIVER ROAD SUITE 100
TUCSON, ARIZONA 85718
(520) 615-8900

SHEET NO. 1 OF 3

COF DRB # DEV13-005

Mogollon
ENGINEERING & SURVEYING

411 N. Santa Fe Ave., Flagstaff, AZ 86001
P.O. Box 214-014 • Fax: 928-483-005

DATE 6/20/13
DESIGNED BY: KVH
DRAWN BY: THW/RYA
CHECKED BY: KYN/THW

REVISIONS: PER C.O.F. COMMENTS DATED 6/16/13
PROJECT NO. 12193
P.N. SHEET-01.dwg
VERT SCALE: N/A
HOR SCALE: 1"=50'

6/20/13
MES# 12993

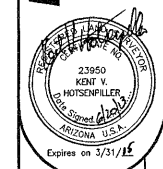
PRELIMINARY PLAT
FOR PRESIDIO IN THE PINES - TRACT "B"
GRADING & DRAINAGE

Mogollon
ENGINEERING & SURVEYING

COUNTY, ARIZONA

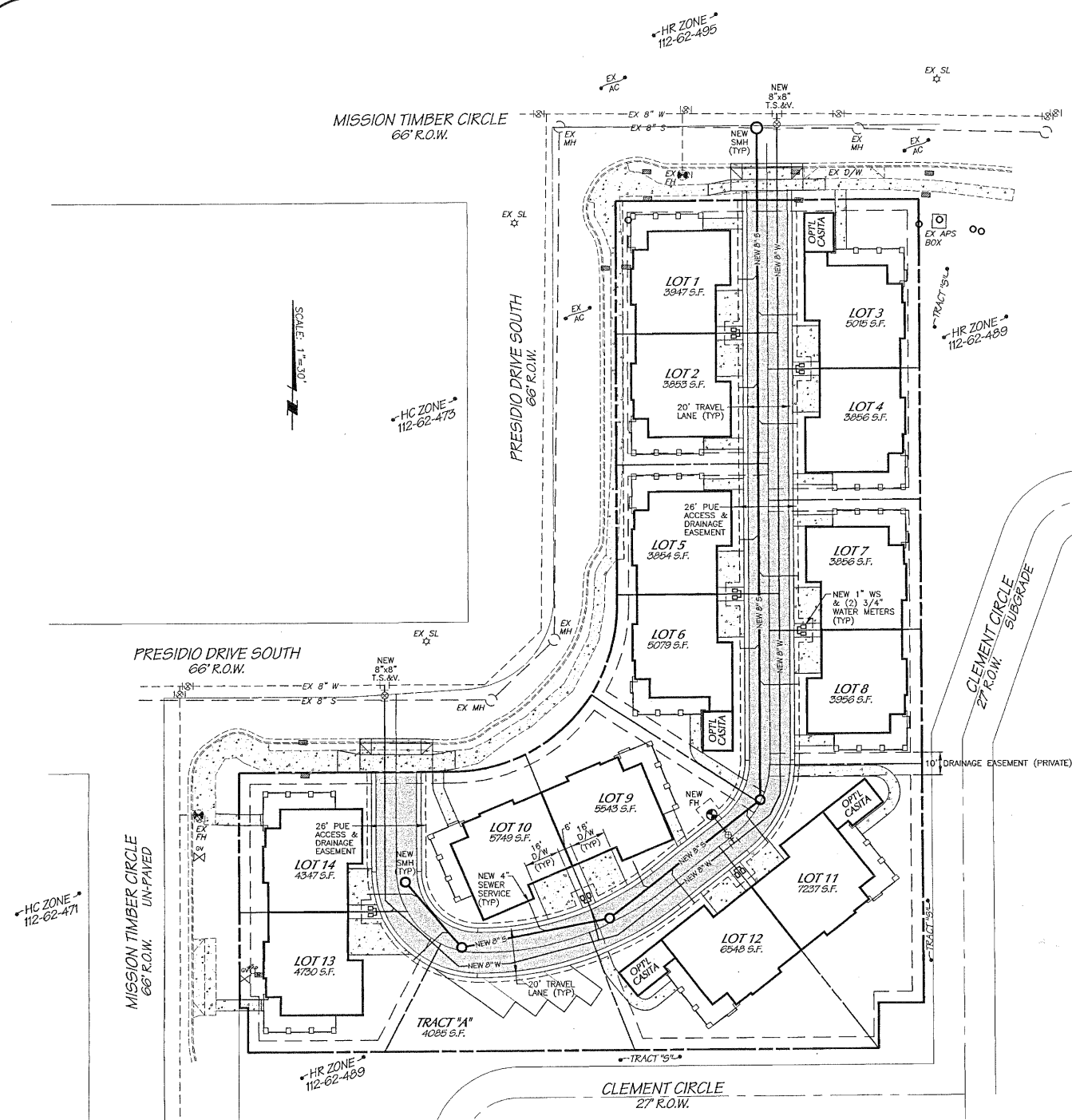
PRELIMINARY PLAT
FOR PRESIDIO IN THE PINES - TRACT "B"
WATER & SEWER

Mogollon
ENGINEERING
& SURVEYING

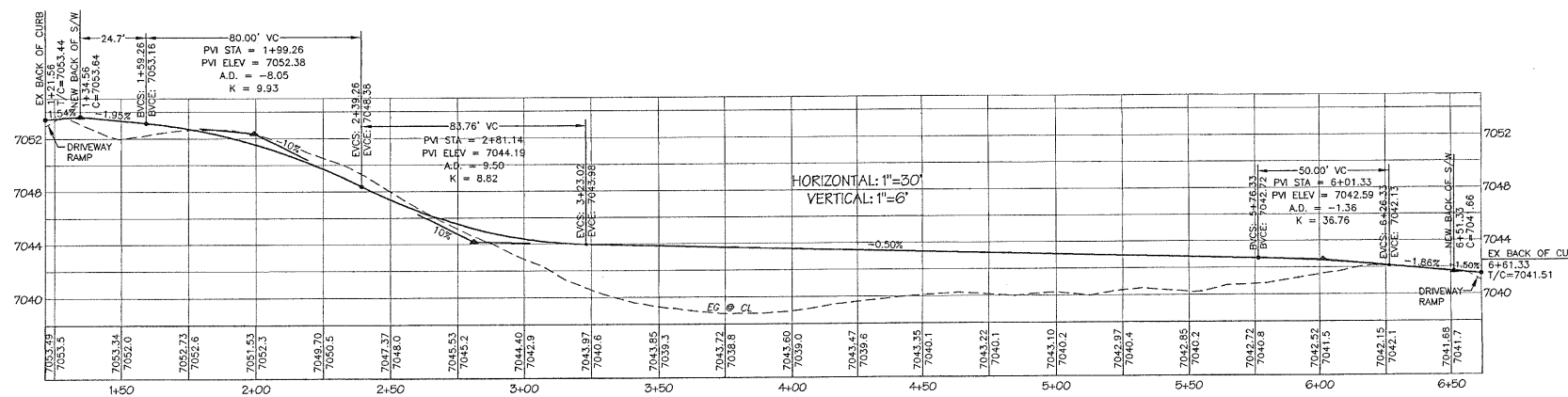


Mogollon
ENGINEERING
& SURVEYING

DATE: 6/20/13	PROJECT NO. 12993	F
DESIGNED BY: K/VH	FN: SHEET-02.dwg	
DRAWN BY: MWE/KVH	VERT SCALE: N/A	
CHECKED BY: KVN/HWE		HOR SCALE: 1"=30'

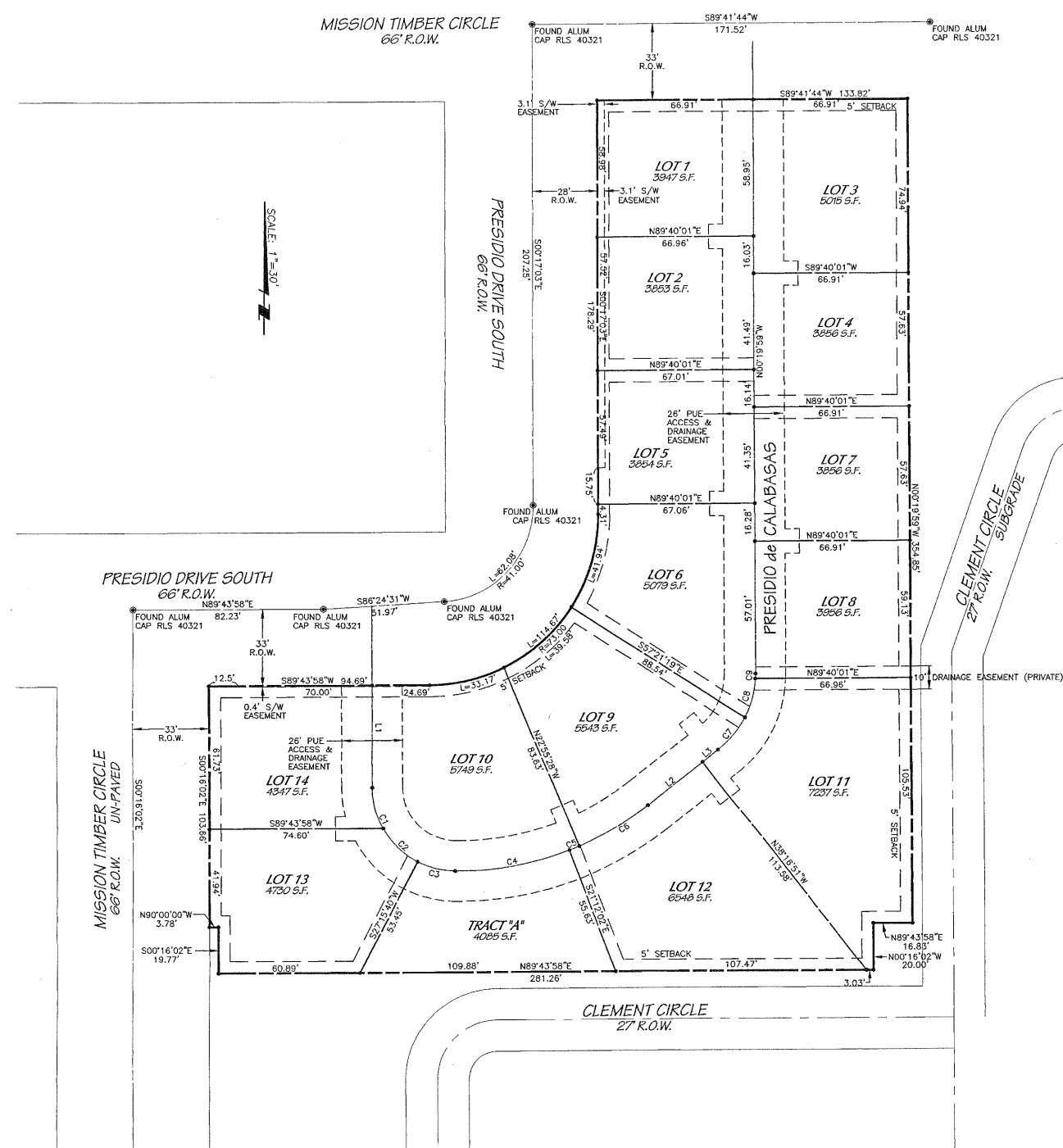


- ### LEGEND
- MISC PVC
 - RECLAIM WATER BRICK
 - ☆ STREET LIGHT
 - |X| WATER VALVE
 - ⊗ NATURAL GAS MARKER
 - WATER SERVICE MARKER
 - ⊕ 2" WATER PIPE



PRELIMINARY PLAT
OF
TRACT B
OF
PRESIDIO IN THE PINES

CASE 9 MAP 72, COCONINO COUNTY
RECORDS LOCATED IN THE S1/2 SECTION
19, T 21 N, R 7 E, FLAGSTAFF, COCONINO
COUNTY, ARIZONA



SCALE: 1"=30'

DEVELOPMENT STANDARDS

- FRONT SETBACK: 5' MIN. - 12' MAX.
- SIDE SETBACK: 3' (0' FOR SIDE BY SIDE DUPLEX)
- SIDE EXTERIOR SETBACK: 10' MIN. - 15' MAX.
- REAR SETBACK: 3' MIN.
- MAX LOT COVERAGE: 80%
- MAX. HEIGHT TO EAVE/PARAPET: 40'
- MAX. OVERALL HEIGHT: 52'
- FOR ADDITIONAL INFORMATION: SEE DIVISION 10-40.40.080
CITY OF FLAGSTAFF ZONING CODE
- NOTE: SETBACKS ARE MEASURED FROM
R.O.W. AND PROPERTY LINES

LINE DATA

#	BEARING	DISTANCE
L1	S00°16'02"E	44.12'
L2	N51°43'09"E	29.85'
L3	N51°43'09"E	8.66'

CURVE DATA

#	RADIUS	LENGTH
C1	36.00	18.40'
C2	36.00	20.87'
C3	36.00	16.57'
C4	131.00	50.44'
C5	131.00	4.61'
C6	131.00	34.44'
C7	41.50	18.11'
C8	41.50	17.47'
C9	41.50	2.12'

NON-VEHICULAR ACCESS EASEMENT

A 0.10' NON-VEHICULAR ACCESS EASEMENT WILL SURROUND THE
SUBDIVISION EXCEPT WHERE THE 26' P.U.E. ACCESS & DRAINAGE
EASEMENT INTERSECTS THE SUBDIVISION BOUNDARY.

BASIS OF BEARING
NORTH 75° 43' 40" WEST ALONG THE NORTH RIGHT-OF-WAY OF INTERSTATE 40 PER BOOK 18 PAGE 11.
SURVEY WAS PERFORMED IN DEC 2012 AND APRIL 2013 AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.
ORIGINAL LOT CORNERS HAVE NOT BEEN SET. THEY ARE IN THE PROCESS OF BEING SET AND WILL BE SHOWN ON THE
FINAL PLAT.
BENCHMARK IS THE N1/4 SECTION 30, ELEV = 7036.43.

Mogollon
ENGINEERING & SURVEYING

411 N. Santa Fe Ave., Flagstaff, Az. 86001
P.O. Box #62, Flagstaff, Az. 86002
Phone: 923-214-0014 • Fax: 923-413-0015

PRELIMINARY PLAT
FOR PRESIDIO IN THE PINES - TRACT "B"
BEARINGS & DISTANCES

6/20/13
MES# 12993

PROJECT NO. 12993
DESIGNED BY: KJV
DRAWN BY: MNEKYH
CHECKED BY: KYAHVH

REVISIONS PER C.O.F. COMMENTS DATED 6/6/13
FN: SHEET-03.dwg
VERT SCALE: N/A
HOR SCALE: 1"=30'

DATE: 6/20/13

230950
KENT V.
HOSENPIILLER
Professional Engineer
No. 37413
Arizona, U.S.A.

Expires on 3/31/12

CITY OF FLAGSTAFF STAFF SUMMARY REPORT

To: The Honorable Mayor and Council
From: Elizabeth A. Burke, City Clerk
Co-Submitter: Michelle D'Andrea, City Attorney
Date: 09/04/2013
Meeting Date: 09/17/2013



TITLE:

Consideration and Possible Adoption of Resolution No. 2013-23: A resolution of the City Council of the City of Flagstaff, Arizona, ordering and calling the 2014 Primary/General Elections; and providing for and giving notice of said election(s).

RECOMMENDED ACTION:

Should the City Council wish to move forward with calling the 2014 Spring Elections:

- 1) Read Resolution No. 2013-23 by title only
- 2) City Clerk reads Resolution No. 2013-23 (if approved above)
- 3) Adopt Resolution No. 2013-23

Policy Decision or Reason for Action:

This resolution will call the Primary/General Elections for 2014 for March and May, respectively, should the Council choose to move in that direction.

Financial Impact:

A May 2014 mail-ballot Special Election has been budgeted in the FY2014 budget in the amount of \$125,000 for the Regional Plan. Determination has not yet been made as to whether the 2014 election(s) would be a mail-ballot election or a polling place election in conjunction with other jurisdictions, either of which would run around \$2.50/registered voter if held in the Spring. A Primary election, if required, would run around \$2.50/registered voter, or approximately \$80,000. This amount has not been budgeted because at the time of the budget preparation we were anticipating Fall elections for candidates, which would be budgeted in next year's budget. Should a Primary be required, these funds would come from General Fund Contingency.

Connection to Council Goal:

11. Effective governance

Has There Been Previous Council Decision on This:

The City Council has discussed this issue on Jun 11, 2013, and September 3, 2013.

Options and Alternatives:

- 1) Adopt the resolution as written
- 2) Amend the resolution and adopt as amended
- 3) Not adopt the resolution, thereby not calling a 2014 Election at this time

Background/History:

The Arizona State Legislature made changes to the Arizona Revised Statutes that require all cities and towns, beginning in 2014, to hold their primary/general elections in August and November of even-numbered years. This legislation was challenged by the cities of Tucson and Phoenix and on August 12, 2013, the Pima County Superior Court ruled in favor of the City of Tucson and the City of Phoenix, granting them a permanent injunction enjoining the State of Arizona from requiring them to comply with the candidate election scheduling requirements of ARS 16-204. With this ruling being in Superior Court, it did not create precedent for the remaining charter cities/towns in the State.

The State of Arizona has until September 13, 2013, to file an appeal to this decision. If the State files an appeal and the Court of Appeals rules in favor of charter cities, a Spring election would be possible. If the Court of Appeals ruled in favor of the State of Arizona, a Fall election would be required.

Key Considerations:

Calling the election now allows the City to proceed in a manner consistent with the Charter and with past practice. Individual candidates may decide when to begin circulating petitions once the packets are available September 30.

Community Benefits and Considerations:

The benefit to the community by holding a Spring Election is that it is what they are familiar with as this is what is required within the City's Charter and is what has occurred in the past. Additionally, it allows the City's candidates and issues to be on a ballot separate from a statewide ballot wherein the City's candidates and elections would be at the end of the ballot thereby allowing for items to be overlooked due to voter fatigue. A November election would also create additional problems that are associated with having the nonpartisan candidates/issues of the City being part of a partisan ballot in the Primary Election, which is likely to decrease primary turn out for independent voters.

Community Involvement:

Inform - Adoption of the this resolution would inform the public of the upcoming election date(s) and provide specific information on when candidate packets would be available.

Attachments: Res. 2013-23

Form Review

Inbox	Reviewed By	Date
DCM - Jerene Watson	Elizabeth A. Burke	09/04/2013 04:36 PM
City Attorney	Michelle D'Andrea	09/05/2013 05:46 PM
DCM - Jerene Watson	Jerene Watson	09/06/2013 09:03 AM
Form Started By: Elizabeth A. Burke		Started On: 09/04/2013 02:19 PM
Final Approval Date: 09/06/2013		

RESOLUTION NO. 2013-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, ORDERING AND CALLING THE 2014 PRIMARY/GENERAL ELECTIONS; AND PROVIDING FOR AND GIVING NOTICE OF SAID ELECTION(S)

RECITALS:

WHEREAS, Ordinance No. 1951, in compliance with A.R.S. §16-204, establishes, in even-numbered years, the second Tuesday in March as the Primary Election date, and the third Tuesday in May as the General Election date; and

WHEREAS, the Flagstaff City Charter, Article IX, Section 1(c) states that general elections shall be held for the purpose of electing a Mayor and Council and such other purposes as the Council may prescribe; and

WHEREAS, the Flagstaff City Charter, Article IX, Section 5(b) states that in the event that no more than two candidates file nominating petitions for each vacancy in office, the Primary Election may be dispensed with as to that office.

WHEREAS, A.R.S. §16-409 provides for mail ballot elections for Arizona jurisdictions, and the Flagstaff City Council has determined that calling mail ballot elections has practical benefits for the citizens of Flagstaff unless the election will be held in conjunction with another jurisdiction unable to hold a mail ballot election, in which case the City will participate with the polling place election for ease of the voters.

ENACTMENTS:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:

SECTION 1. There is hereby called a March 11, 2014, Mail Ballot Primary Election for the City of Flagstaff for the purpose of nominating candidates to fill the office of Mayor and three (3) Councilmembers at the May 20, 2014, General Election, unless the election will be held in conjunction with another jurisdiction that is unable to hold a mail ballot election, in which case the City will participate with the polling place election.

SECTION 2. Pursuant to Art. IX, Sec. 5(b) of the Flagstaff City Charter, in the event that no more than two candidates file nominating petitions for each vacancy in office, the Primary Election may be dispensed with as to that office.

SECTION 3. Candidate packets for the 2014 elections will be available at the City Clerk's Office, 211 West Aspen, Flagstaff, AZ, beginning September 30, 2013, and must be filed with the City Clerk's Office between December 11, 2013, and January 10, 2014.

SECTION 4. The City of Flagstaff, through adoption of this resolution, agrees to pay the return postage for voted ballots, should a mail ballot election be held.

SECTION 5. The last date to register to vote is as follows:

ELECTION DATE	DEADLINE
03/11/2014	02/10/2014
05/20/2014	04/21/2014

PASSED AND ADOPTED by the Council and approved by the Mayor of the City of Flagstaff, this _____ day of _____, 2013.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To: The Honorable Mayor and Council
From: Rick Barrett, City Engineer
Date: 08/30/2013
Meeting Date: 09/17/2013



TITLE

Discussion of the City's Materials Testing Program.

RECOMMENDED ACTION:

Consider information received from private sector service providers and provide direction to staff regarding the Materials Testing Program.

INFORMATION

Council Goal/Priority: Repair, Replace and Maintain Infrastructure.

Background & History: City of Flagstaff has operated the Materials Testing Program (MTP) since the mid '70s when the U.S. Army Corps of Engineers funded approximately \$100,000 to establish a quality assurance program for construction of the Wildcat Wastewater Treatment Plant. At that time the lab was located in the Anderson Building on Phoenix Avenue. About four years later the lab was relocated to Utilities Division's East Flagstaff Facility on Commerce Avenue and is still located there today. Over the years, the MTP had as many as 3½ staff (2008) and is currently staffed with two Materials Technicians. With a current increase in work load, the 2 FTE work group is not able to conduct the same level of field sampling and laboratory testing that had been performed in the past, resulting in a new business model where we are managing the permitted work based on staffing capacity and not conducting every test that might otherwise be required. Contractor education and an excelling Inspection & Testing team has allowed us to be successful with this business model without an increase in warranty issues or a decrease in long lasting infrastructure. As more projects are permitted (volume increase), we will continue to spend less time on each project, if staffing levels remain constant.

MTP staff ensure that permitted projects are constructed with quality, reliable infrastructure built with materials that are compliant with the Engineering Standards and they function as an integral part of the City Inspection team. Materials tested are soils, concrete and asphalt. Samples are taken in the field and then laboratory tests are performed in accordance with nationally recognized industry standards. Results are reported back to Inspectors, who in turn work with Contractors in order to proactively monitor quality of the work as it's being performed. Materials Technicians often times work directly with Contractors, on behalf of the Inspectors, if Inspectors are busy on other job sites. This allows us to help Contractors efficiently obtain approval to proceed with their work. Our primary customers are Contractors who have been hired by either public (capital improvements) or private sector companies and include Franchise Utility companies. Outcome of this work is long- lasting, high performing infrastructure for Public Works and Utilities staff to operate and maintain as well as to provide safe and functioning water, sewer, drainage and transportation systems for use by our current and future residents.

Within the MTP work group of 2 FTEs, we have experienced a resignation and a retirement, although the retirement has been postponed. Combined with the City Manager's direction for the MTP to compete with the private sector in FY15, we were faced with the dilemma of hiring staff only to possibly let them go depending on the outcome of private sector competition. So, we chose to initiate the Request for Information (RFI) from the private sector immediately and temporarily hire staff through the City's On-Call contract (Speedie and Associates) who works in conjunction with the staff member who has postponed retirement.

Working with Purchasing, we were advised it was not possible to seek bids or proposals from professional service providers as materials testing services are considered professional services and fall under the purview of a professional engineer. Therefore, we decided to use the RFI process to obtain pricing information from private sector service providers based on the annual volume of tests conducted (CY12) and to anticipate the potential of a three-year contract term. The results of the RFI are as follows (RFI as advertised and a detailed Information Tabulation are attached for reference):

Service Provider	Annual cost
Ninyo & Moore	\$80,501.52
ATL, Inc.	\$145,822.00
City Materials Testing Program	\$153,285.00
Speedie & Associates	\$157,400.00
Western Technologies, Inc.	\$160,421.00
Speedie & Associates (alternate)	\$225,274.00

FINANCIAL: The FY14 Budget for the Materials Testing Program is \$153,774 which covers the cost of 2 FTEs, overtime allotment (\$3,000), vehicles & gas, cell phones, rent at East Flagstaff Facility, lab equipment calibration/maintenance/repair, supplies and facility/vehicle maintenance.

In order to achieve 100% cost recovery for the Materials Testing Program, City Council recently established a materials testing permit fee of 2.15% of engineer's estimated construction subtotal that is expected to generate approximately \$215,000 annually.

OPTIONS:

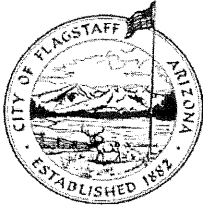
- 1) Maintain City Materials Testing Program. If Council elects this option staff will commence recruitment for the two vacant positions, continuing the hybrid staff/on-call work group until new employees begin employment.
- 2) Eliminate City Materials Testing Program and hire a private sector service provider. If Council elects this option, staff will commence a qualifications-based selection process, continuing the hybrid staff/on-call work group until Council awards a professional services contract. Under this option we would recommend eliminating the laboratory for good as we do not believe it is in the City's best interest to maintain the lab until the three-year services contract expires in order to compete against private sector again. Therefore, we would propose sending all equipment to surplus auction and return nuclear densometers to the manufacturer. This would allow Utilities to expand their operations at the East Flagstaff Facility after the lab tenant improvements are removed. However, this option would impose additional work load on an already under-staffed Inspection Program as they work with the private sector service providers. We recommend that we increase the staffing level of the Inspection Program by 1 FTE based on current work load.
- 3) Continue hybrid staff/on-call work group. This option would result in redundant lab costs (City & private sector), but, would allow for continued discussion.
- 4) Eliminate City Materials Testing Program and transfer the materials testing responsibility to the permitted Contractor. If Council elects this option, staff will commence work on new Engineering Standards that would establish performance criteria for Contractors/Developers to self-perform materials testing (requiring Council approval by Ordinance). This option would impose additional work load on an already under-staffed

Inspection Program as they work with the Contractor's materials testing service provider. Unlike options listed above, this model will likely result in construction-related delays and increased accountability for Contractors to schedule activities. This would also potentially create a situation that reduces construction quality and corresponding life of infrastructure. To mitigate delays and construction quality, it is recommended that we increase the staffing level of the Inspection Program.

Attachments: [Request for Information and Addenda](#)
 [Information Tabulation](#)
 [Presentation Slides](#)

Form Review

Inbox	Reviewed By	Date
Legal Assistant	Vicki Baker	08/30/2013 01:28 PM
City Attorney	Michelle D'Andrea	08/30/2013 01:50 PM
Community Development Director	Mark Landsiedel	09/03/2013 05:01 PM
DCM - Jerene Watson	Jerene Watson	09/05/2013 09:01 AM
Form Started By: Rick Barrett		Started On: 08/30/2013 11:43 AM
	Final Approval Date: 09/05/2013	



City of Flagstaff
Purchasing Division
211 W. Aspen Avenue
Flagstaff, AZ 86001
Ph: (928) 213-2206/ fax: (928) 213-2209
Issue Date: July 22, 2013
Due Date: August 26, 2013 at 3:00 PM

**REQUEST FOR INFORMATION (RFI #2014-01)
MATERIALS TESTING SERVICES**

The City of Flagstaff (COF) hereby issues a Request for Information (RFI) from qualified vendors to gather information on materials testing services.

It is agreed and understood that Responses to this Solicitation are considered to be working documents while they are under consideration and, as such, are not subject to official bid openings. The only information released at the public opening of Responses to this RFI will be the names of the respondents.

QUESTIONS

Any questions pertaining to this RFI shall be directed to: Amy Hagin, Senior Procurement Specialist, via email ahagin@flagstaffaz.gov. Questions will be answered up to five (5) days prior to the RFI opening date.

ADDENDA, REJECTION AND CANCELLATION

The City of Flagstaff reserves the right to revise any part of the RFI by issuing an addendum to the RFI at any time prior to the submission deadline. It is the sole responsibility of each firm to check the City of Flagstaff's website for Addendum postings: <http://www.flagstaff.az.gov/bids.aspx>. Issuance of this RFI in no way constitutes a commitment by the City of Flagstaff to award a contract. The City of Flagstaff reserves the right to cancel this announcement if it is determined to be in the City's best interest. All materials submitted in this response become the property of the City. The City of Flagstaff also reserves the right, at its sole discretion, to waive administrative informalities contained in any future Invitation for bids.

PREPARATION COSTS

The City shall not be responsible for costs associated with preparing the RFI.

MINIMUM REQUIREMENTS

The City is requesting information for materials testing services on an annual basis as the City considers whether to perform the services in-house or to outsource the services to a vendor. The City envisions a three (3) year contract term with annual renewals if private sector can demonstrate their services to be comparable in terms of qualifications and cost.

Although a services contract will not emanate from this RFI, the City is seeking information to determine if it is feasible for the private sector to compete with the materials testing services provided by the Engineering Section's Materials Testing Program. If it is apparent that private sector can be competitive in terms for qualifications and cost the City would proceed with a solicitation for professional services utilizing a qualifications based selection process as dictated by ARS.

INFORMATION REQUESTED

The purpose of this RFI is to obtain unit costs associated with typical field and laboratory tests conducted on an annual basis and there is certain criterion that must be considered when determining unit costs of each test as follows: (Please refer to the Information Schedule (**page 4**) for further information).

- 1) The unit cost for each type of test and the total annual amount filled in on the Information Schedule shall include all costs necessary to provide materials testing services, based on actual quantity of tests conducted in calendar year 2012. The unit costs and total amount provided shall include compensation for all work including overtime (\$5,000 allowance, compensatory time and flex time), trip charges, quality reporting, overhead and profit)
- 2) Firms providing information in response to this RFI can assume that should the City opt to proceed with a solicitation for professional services by utilizing a qualifications based selection process that it would be for a minimum term of three (3) years.
- 3) Laboratory facility shall be located in Flagstaff. A physical facility is preferred however, a mobile Laboratory suited for all necessary testing may be considered.
- 4) A minimum of two (2) materials testing field personnel shall be provided, dedicated to City projects during the busy season (April 15 through December 15) with the ability to drop what is being tested at any given moment and to be reassigned to a different project location within the City limits in one hour maximum. And, have the ability to respond on an as needed basis with twenty four hour notice during the slow season (December 15 through April 15).
- 5) Ability to adjust staffing levels to accommodate fluctuations in work load.
- 6) Maintain strict adherence to industry accepted testing procedures and requirements when conducting and reporting test results.
- 7) Critical tests for asphalt such as Marshall plug, oil content, gradation, stability/flow and voids shall be sampled immediately and lab results reported back to the assigned City Inspector no more than 4 hours after taking the sample.
- 8) Critical tests for soils including ABC, select, borrow and native materials such as proctor, sieve, PI, and gradation that have been noted by a City Inspector to have changed on-site since the original testing shall be sampled immediately and results reported back to the City Inspector no more than 4 hours after taking the sample.
- 9) All materials testing services shall be performed in an accurate manner, with attention to detail both in the field and in the lab by skilled, knowledgeable, well trained staff.
- 10) All lab equipment shall be calibrated annually and maintained as necessary. City reserves the right to inspect lab facilities at any time.
- 11) Nuclear Densometers are required for field density and moisture/oil content. Nuclear Densometers shall be operated and stored (in the lab and when transported to the project site) in strict adherence to Regulatory Agency Requirements.
- 12) Materials testing field personnel shall have adequate construction site transportation, cell phone, necessary field testing equipment and safety clothing.
- 13) Materials testing field personnel shall have the demonstrated ability to accept direction from the City's Construction Manager, demonstrated ability to be a team member and demonstrated ability to provide excellent customer service in all situations that arise on a construction site.
- 14) Materials testing field personnel shall perform their duties as an extension of City staff and have a demonstrated ability to accept direction from City Inspectors as to frequency and location of tests and how to report failing tests to our customers.
- 15) Materials testing field personnel shall have demonstrated ability to read construction plans and specifications and shall be able to identify issues and communicate their concerns to the City Inspector.

- 16) Materials testing field personnel shall have safety training and demonstrated competency in confined space entry, Flagging/Traffic control, trench excavations and general work zone safety.
- 17) It is desired that materials testing field personnel have ACI certification, NICET and ATTI certifications.
- 18) All laboratory materials testing shall be conducted under the direct supervision of a Professional Engineer registered in the State of Arizona.
- 19) Regular attendance is a mandatory requirement of the service provided. Must be able to work weekends, Holidays and night shifts.
- 20) Firms providing information in response to this RFI must be able to maintain a fully integrated training and quality control program, independent of the City.
- 21) Materials testing services as provided by private sector shall be a seamless extension of City staff performing quality assurance services on all projects permitted in the City right-of-way. These materials testing services are not to be considered quality control services performed on behalf of the permitted contractor.

PACKAGE SUBMITTAL

Please include one original of the entire RFI package. The RFI must be in a sealed envelope/package: Marked as follows: **RFI #2014-01 – Materials Testing Services**".

PARTICIPATION

Vendors are encouraged to complete the Acknowledgment of Receipt and fax it back for notification of any RFI Addendums. Vendors are also encouraged to frequently check the City of Flagstaff's website for Addendum postings <http://www.flagstaff.az.gov/bids.aspx>.

DUE DATE

RFI's are due by 3:00 p.m., Wednesday, August 26, 2013, to be delivered to:

Attn: Amy Hagin
Senior Procurement Specialist
City of Flagstaff – Purchasing Division
211 W. Aspen Avenue
Flagstaff, AZ 86001

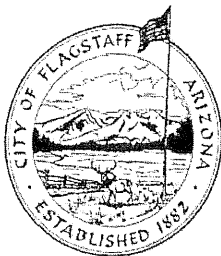
INFORMATION SCHEDULE
CITY OF FLAGSTAFF
MATERIALS TESTING SERVICES

TYPE OF TEST	TOTAL # OF TESTS IN CY12 FOR CITY	UNIT COST OF TEST INCLUDING INCIDENTALS, OVERHEAD & PROFIT	TOTAL COST
DENSITY - SOIL	2538		
DENSITY - AC	532		
PROCTOR	33		
GRADATION - SOILS	3		
GRADATION - MA	30		
GRADATION - CHIPS	6		
PLASTIC INDEX	40		
CYLINDERS	898		
CONCRETE BREAKS	874		
AIR CONTENT	173		
SLUMP	180		
AC CONTENT	73		
MARSHAL PLUGS	136		
STABILITY & FLOW	142		
RICE	39		
AIR VOIDS	38		
L A ABRASION	5		
SAND EQUIVALENT	70		
		TOTAL ANNUAL TESTING AMOUNT	\$

RFI ACKNOWLEDGMENT

RFI NUMBER:	2014-01
RFI NAME:	MATERIALS TESTING SERVICES
TOTAL NUMBER OF PAGES:	5

*****Please Return Immediately If Participating*****



CITY OF FLAGSTAFF
Addendum Number One
RFI Materials Testing Services
RFQ #2014-01

Please be advised that this Addendum is to provide answers to any questions that any prospective offeror asked, and any changes and/or clarifications regarding RFI #2014-01

QUESTION & ANSWER:

1. **QUESTION:** Can an alternate fee schedule in addition to the one requested in the RFI be submitted?

ANSWER: *Yes, the City of Flagstaff can allow for an alternate fee schedule in addition to the requested fee scheduled in the RFI. Please note that the requested fee schedule must be submitted to be considered a responsive proposer to the RFI.*

2. **QUESTION:** Item 17 indicates certification desired from ACI, NICET and ATTI. The local Arizona industry has somewhat phased out of NICET certification for field technicians being replaced by ATTI. Must technicians have both ATTI and NICET or is one of the two acceptable?

ANSWER: *Either ATTI or NICET along with ACI certifications will be acceptable. Please note that the certifications are not required, yet desired.*

3. **QUESTION:** For clarification, on the fee schedule under line item "Cylinders", is this for casting the cylinders in the field?

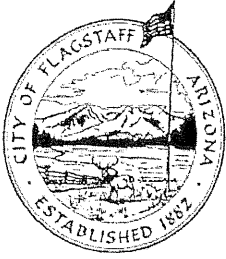
ANSWER: *"Cylinders" line item is for field casting, proper storage, breaking and reporting results.*

The balance of the RFI package shall remain the same. All proposers are to acknowledge receipt of this addendum by signing and submitting along with their proposal response.

Name of Firm

Authorized Signature

Date



CITY OF FLAGSTAFF
Addendum Number Two
RFI Materials Testing Services
RFQ #2014-01

Please be advised that this Addendum is to provide answers to any questions that any prospective offeror asked, and any changes and/or clarifications regarding RFI #2014-01

CHANGE & CLARIFICATION:

1. On Page 3 of the RFI, the due date is written incorrectly. The due date should state Monday, August 26th, 2013. Please see corrected page 3.

The balance of the RFI package shall remain the same. All proposers are to acknowledge receipt of this addendum by signing and submitting along with their proposal response.

Name of Firm

Authorized Signature

Date

Materials Testing Program

Consideration of information
received from private sector service
providers

Materials Testing Program

- Council's Guiding Principles (things to consider when making a decision)
 - Should the City be providing this service?
 - Is it an appropriate use of tax dollars?
 - How will this affect fees and taxes?

Materials Testing Program

- Background/History
 - City Lab since mid '70s
 - Proven track record of providing excellent customer service
 - Work performed ensures quality, reliable infrastructure
 - 100% cost recovery through permit [user] fees
 - 2 person work group currently managing a resignation & postponed retirement
 - On-Call services utilized since mid-June

Materials Testing Program

- Request for Information (RFI) was advertised on July 22nd and responses were due on August 26th
- Four responses were received

Materials Testing Program

Service Provider	Annual Cost
Ninyo & Moore	\$80,502
ATL, Inc.	\$145,822
City Materials Testing Program	\$153,285
Speedie & Associates	\$157,400
Western Technologies, Inc.	\$160,421
Speedie & Associates (alternate)	\$225,274

Materials Testing Program

- Options
 1. Maintain City Materials Testing Program
 2. Eliminate City Materials Testing Program and hire Private Sector Service Provider
 3. Continue hybrid staff/on-call work group
 4. Eliminate City Materials Testing Program and transfer testing responsibility to private sector

Materials Testing Program

Discussion and direction for staff

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To: The Honorable Mayor and Council

From: Kimberly Sharp, AICP, Comprehensive Planning Manager

Date: 09/06/2013

Meeting Date: 09/17/2013



TITLE

Regional Plan Discussion #3 – Ch. VII. Energy

RECOMMENDED ACTION:

Staff will present a brief background of data, public comment input, and policies for Chapter VII. Energy of the Flagstaff Regional Plan. Council may wish to open the discussion for public comment at this time, followed by discussion on any concerns regarding this chapter or policies to put on the 'Policy Parking Lot' list for further Council discussion, debate and decision in November and December.

INFORMATION

As a required element within the plan, State Statute clearly articulates that this chapter or element is a community's opportunity to address 'Energy Efficiency' and 'Renewable Energy'. This was the first chapter completed by the Citizen Advisory Committee, and publicly solicited comments, internal staff and external stakeholders as well as APS we consulted with to develop the policies found in this chapter.

In addition to the hard copy of the Plan you each have been given, the chapter may be reviewed on-line at:

http://www.flagstaffmatters.com/_pdfs/chapters/FRP-VII-Energy.pdf

Attachments:

Form Review

Inbox	Reviewed By	Date
Legal Assistant	Elizabeth A. Burke	09/06/2013 08:57 AM
DCM - Jerene Watson	Jerene Watson	09/06/2013 10:51 AM
Form Started By: Kimberly Sharp, AICP		Started On: 09/06/2013 08:33 AM
	Final Approval Date: 09/06/2013	